

THE LAW
RELATING TO
FACTORIES & WORKSHOPS

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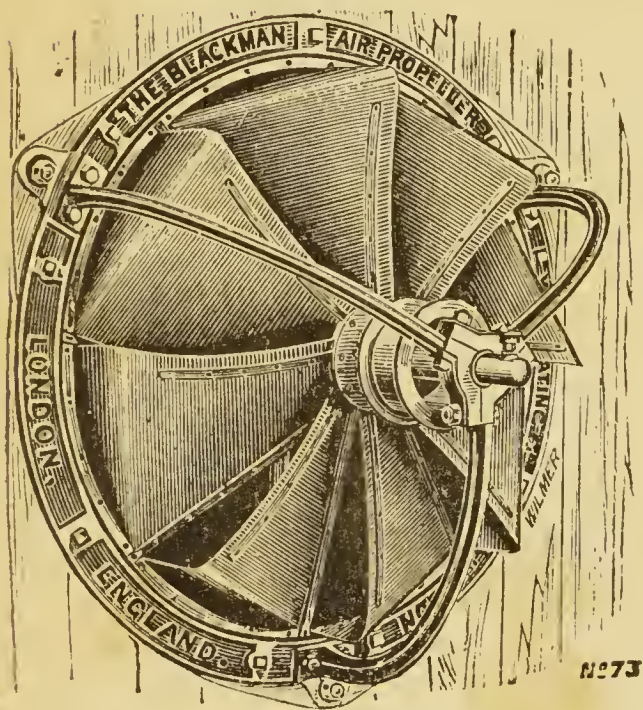
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THE LAW

RELATING TO

FACTORIES AND WORKSHOPS

(including LAUNDRIES and DOCKS).



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THE
LAW RELATING TO FACTORIES AND WORKSHOPS
(INCLUDING LAUNDRIES AND DOCKS).

Part I.
A PRACTICAL GUIDE
TO THE
LAW AND ITS ADMINISTRATION.

BY
MAY E. ABRAHAM,
(*One of Her Majesty's Inspectors of Factories*).

Part II.
THE ACTS, WITH NOTES,
CONTAINING
THE FACTORY AND WORKSHOP ACTS, 1878 TO 1895 ;
THE SHOP HOURS ACTS, 1892 TO 1895 ;
THE TRUCK ACTS, 1831 AND 1887 ;
PARTS OF OTHER ACTS RELATING TO FACTORIES AND
WORKSHOPS ;
ALL ORDERS MADE BY THE SECRETARY OF STATE
UNDER THE FACTORY AND WORKSHOP ACTS ;
WITH EXPLANATORY NOTES.

BY
ARTHUR LLEWELYN DAVIES,
Of the Inner Temple, Barrister-at-Law.

WITH AN APPENDIX, CONTAINING A FULL LIST OF SPECIAL RULES
MADE FOR DANGEROUS EMPLOYMENTS, AND A
COMPLETE INDEX TO BOTH PARTS.

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A. LL. D.

P R E F A C E.

The difficulty of ascertaining the law, on the subjects with which this book is concerned, arises mainly from two causes; first, the fact that the law is contained in three principal Acts and other minor Acts, which are to be read together as one, and the latter of which proceed largely by reference to the earlier; secondly, the practice of laying down the principal rules on any particular subject at the beginning of an Act, and supplementary rules on the same subject at a later point in the Act. The result is that the law on any particular subject may be scattered over a number of different sections, which have to be brought together and considered as a whole. The first part of this book aims at presenting the effect of the whole law in a coherent, clear, and accurate form. The principal object of the notes in the second part is to enable readers to bring together the scattered sections dealing with the same subject and to acquire a rapid mastery of their contents.

It is hoped that this book may be of practical service to employers of labour, and the index has been specially drawn to meet their requirements. Under the head of each of the various trades and processes will be found complete references to any special provisions which affect that particular trade or process. Attention is also drawn to the full list of Special Rules and Requirements for Dangerous Occupations printed in the Appendix, which, it is believed, have never before been published in a connected form.

The authors desire to express their thanks to R. E. Sprague Oram, Esq., C.B., Her Majesty's Chief Inspector

of Factories, who has not only given them the benefit of his advice during the progress of the work, but has very kindly revised the proof sheets of Part I. The book, however, has no official authority. Miss Abraham also wishes to express her acknowledgments to Miss Gertrude Tuckwell, and to Miss Lucy Deane, one of Her Majesty's Inspectors of Factories, for much valuable assistance.

M. E. A.

A. LL. D.



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PART I.

A PRACTICAL GUIDE
TO THE
LAW AND ITS ADMINISTRATION.

NOTE ON REFERENCES.

The four Factory and Workshop Acts, of 1878, 1883, 1891, and 1895, and the Truck Acts of 1831 and 1887, are quoted by their year only, followed by the number of the section referred to.

INTRODUCTORY CHAPTER

ON

THE ACT OF 1895.

In this chapter a short account is given of the principal changes introduced into the law by the Act of 1895, which came into operation on January 1, 1896. The order of subjects adopted by all the Acts is here followed. First come alterations in the general law relating to factories and workshops, next special provisions affecting particular classes of factories and workshops, and lastly such miscellaneous innovations as seem worthy of special notice.

Contents of
the chapter.

Under the head of sanitary provisions, the prohibition of overcrowding is now for the first time made definite. A minimum space is now required of 250 cubic feet for each worker in a room, or 400 cubic feet during overtime. It was previously the practice of inspectors to require this amount of space, but in the event of a prosecution for overcrowding it was in each case left to the discretion of the court to determine whether there was danger to health from the number of persons working in a room. The Secretary of State has power to modify the proportion of cubic feet to persons employed, for any period during which artificial light (other than electric light) is employed, and to require a higher proportion for any particular process or handicraft.

Overcrowding,
space required.
1895, s. 1.

By the new Act an attempt is made to regulate the sanitary condition of premises on which outworkers are employed. The provisions on this subject do not come into effect until an order has been made by the Secretary of State specifying any particular classes of work

Outworkers.
1895, s. 6.

and any particular areas to which they are to apply. So far as these provisions are brought into effect, an employer is now made responsible, under certain circumstances, for the condition of the places in which his outworkers carry on work. An inspector may give notice to the employer that any such place is dangerous or injurious to health. Then, after the expiration of a month, if the employer continues to give out work to be done in the same place, and if the place is still dangerous or injurious to health, the employer is liable to a fine. It is immaterial for the purposes of this enactment, whether the work is given out from a factory or workshop, or from a place which is neither a factory nor a workshop (as, for instance, a tailor's shop where clothes are sold but not made), and whether the employer is the occupier of a factory or workshop or other place, or a contractor employed by the occupier. It may be anticipated that this new scheme will be first brought into effect with regard to one or more of the occupations in which it is already necessary for employers to keep lists of outworkers, that is, the tailoring, electro-plate, furniture and upholstery, and file-making trades. A somewhat similar provision in the new Act, designed for the protection rather of the general public than of the workers, penalises an employer who causes or allows wearing apparel to be made, cleaned, or repaired in a dwelling-house where any inmate is suffering from scarlet fever or small-pox, unless the employer was unaware of the existence of the illness and could not reasonably have been expected to become aware of it.

Outworkers
in infectious
premises.

1895, s. 6.

Lavatories.

1895, s. 30.

Humidity of
atmosphere.

1895, s. 31.

Mechanical
ventilation.

1895, s. 33.

Other new sanitary requirements are also made by the new Act. In factories and workshops where lead, arsenic, or any other poisonous substance is used, suitable lavatories must be provided. Wherever in a textile factory humidity is produced by steaming or other mechanical appliances, the maximum limits of humidity at various temperatures are to be fixed by the Secretary of State on the same principle as in factories to which the Cotton Cloth Factories Act applies. Wherever in a factory or workshop any gas, vapour, or other impurity is generated and inhaled by the workers to an

injurious extent, ventilation by the use of a fan or other mechanical means is made compulsory. Sanitary conveniences must be provided in every factory or workshop, with separate accommodation for persons of each sex where both males and females are employed. Sanitary conveniences. 1895, s. 35.

Lastly, "adequate measures" must be taken to secure and maintain a reasonable temperature in every factory and workshop. The Act lays down no standard to determine what measures are adequate, or what temperature is reasonable. Temperature. 1895, s. 32.

Under the head of safety, the regulations for the fencing of machinery are made more precise, young persons are for the first time prohibited from cleaning dangerous machinery while in motion, and new precautions are adopted to avoid danger from self-acting machines. A useful section deals with the subject of danger from fire. The general obligation, which previously applied only to occupiers of factories, to provide sufficient means of escape, is extended to occupiers of workshops also. Occupiers of either factories or workshops may now for the first time be required, if so ordered by a court of summary jurisdiction, to provide sufficient movable fire escapes. Doors must not be so locked or bolted or fastened that they cannot be easily opened from the inside, and in all new factories or workshops rooms in which more than 10 persons are employed must be constructed either with sliding doors or with doors that open outwards. By another valuable innovation, courts of summary jurisdiction are now empowered, on the application of an inspector, to prohibit the use either of dangerous premises, or parts of premises, or of dangerous machines, until alterations have been effected removing the danger. Dangerous machinery. 1895, s. 8.
Protection from fire. 1895, s. 10.
Prohibition of use of dangerous premises and machines. 1895, ss. 2, 4.

On the subject of employment, the most important provision of the new Act is that which prohibits the overtime employment of young persons under section 53 of the Act of 1878. That section (which still authorises the overtime employment of women) applies to certain non-textile factories and workshops, in which there is a danger of materials being spoiled by the weather, or a liability Overtime. 1895, s. 14.

to a press of work at certain seasons or from unforeseen causes. The cases still remaining in which young persons may now be employed overtime (under ss. 54, 55, and 57 of the Act of 1878) are comparatively few and unimportant. Women may still be employed overtime, not only under section 53, but also under section 56, which relates to a small number of factories and workshops (enumerated in Schedule 3, Part 6), where special precautions are required to preserve perishable articles. But the total number of days in a week, and the total number of days in a year, on which women may be employed overtime under these sections, are both reduced by the Act of 1895.

Employment
at home or in
shops.

1895, s. 16.

Before the Act of 1895 there was no restriction under the Factory Acts on employment outside the factory or workshop, so that a child, young person, or woman, who had already, worked full time in a factory or workshop, might be further employed on the same day by the same employer, at home, or elsewhere outside the factory or workshop. Now employment outside a factory or workshop in the business of the factory or workshop is prohibited (except during the authorised period), in the case of a child, on any day during which the child is employed in the factory or workshop, and in the case of a young person or woman, on any day in which the young person or woman is employed in the factory or workshop both before and after the dinner hour. In the case where the occupier of a factory or workshop also keeps a shop, he must not employ a young person or a woman in the factory or workshop, and in the shop, for a longer period than is allowed for his or her employment in the factory or workshop alone. There is a similar provision in the Shop Hours Act, 1892, applying to young persons and children who are employed first in a factory or workshop, and then in a shop, to the knowledge of the shopkeeper.

55 & 56 Vict.
c. 62. s. 3.

Employment
from 8 to 8.
1895, s. 36.

Another section of the new Act authorises the employment of young persons and women in any non-textile factory, and of young persons in any workshop, from 8 a.m. to 8 p.m., with the ordinary interval for meals. Previously the period was from 6 to 6, or from 7 to 7, and

employment from 8 to 8 was only allowed in exceptional cases. Employment from 9 to 9 is still exceptional.

The Act of 1895 for the first time extends certain of the provisions of the Factory Acts to several classes of premises where work is carried on under conditions similar to those existing in factories and workshops. First of these are laundries, which previously were subject to the Public Health Acts, as far as their sanitary condition was concerned, but additional sanitary regulations, and provisions as to hours of work and meals, are included in the Act of 1895. For the provisions of the Acts which have now been extended to laundries, *see* Chapter X., "Laundries." The most important omission is that the special provisions of the Acts relating to period of employment and overtime have not been applied to laundries, which have separate regulations of their own on these subjects.

Laundries.
1895, s. 22.

A miscellaneous group of premises, on which work is carried on at special risk of accidents to the workers, are brought under certain provisions of the Acts intended to minimise the risks. These premises are, first, docks, wharves, quays, and warehouses, and secondly, premises on which a building is being constructed or structurally altered by means of machinery. With regard to all these premises Special Rules and Regulations may be made under the Act of 1891, so far as concerns any processes certified to be dangerous; the use of dangerous machines may be prohibited; in case of accidents notices must be given and inquiries may be held; and the employer may be made liable to make compensation to a workman injured by breach of any rule or requirement. Inspectors have power to enforce these provisions on these premises.

Docks, &c.
1895, s. 23.

In a tenement factory, that is, a building containing several factories, separately occupied, the owner of the whole building has hitherto escaped responsibility. He is now made answerable, instead of the occupiers of the various parts, for the sanitary condition of the whole, the fencing of all machinery not supplied by the occupiers, and certain other matters falling properly under his control. He may also be put in the place of the

Tenement
factories.
1895, s. 26.

occupier for the purpose of the provisions of the Act of 1891 relating to Special Rules for dangerous employments. The owner of a tenement factory where grinding is carried on is also required to observe certain special regulations.

Bakehouses.
1895, s. 27.

Bakehouses have previously been subject to special requirements, framed in the interest of the general public, beyond those which apply to ordinary factories and workshops. Some of these (under the Act of 1878) have previously applied only to bakehouses in large towns, others (under the Act of 1883) only to newly erected bakehouses. These have now all been extended to all existing bakehouses. Underground bakehouses are also now prohibited for the future, but, in accordance with the usual practice, an exception has been made for the present in favour of existing underground bakehouses.

Particulars.
1895, s. 40.

Among the miscellaneous amendments introduced by the new Act, the most important is the new scheme dealing with the particulars of work and wages which must be furnished to workpeople, in order that they may be able to calculate the amount of wages due to them. Particulars were first required to be furnished under the Act of 1891, but the new scheme is more comprehensive and more minute than the scheme under the earlier Act. It applies now to all textile factories, and it may be extended by the Secretary of State, with the necessary modifications, to non-textile factories or to workshops. For details of the scheme, *see* Chapter XV. "Particulars."

Penal compensation.
1895, s. 13.

Besides the ordinary penalties to which an employer may be liable for breach of the Acts, the Act of 1878 provided that, in case of death or injury to a workman caused by the employer's neglect to fence machinery or structures required to be fenced, the employer should be liable to a fine not exceeding 100*l.* the whole or part of which might be applied by the Secretary of State for the benefit of the injured person or his family. This provision for penal compensation is now extended to all cases of death, bodily injury, or injury to health caused by the occupier's neglect to observe any provision of the Acts or any special rule or requirement under the Act of 1891.

Any case of lead, phosphorous, or arsenical poisoning, occurring in a factory or workshop, is now subject to the same regulations as an accident occurring there. Notice of such a case must be given to the inspector and the certifying surgeon, and the certifying surgeon must make an investigation and a report. The occupier must keep a register of such cases. Any medical practitioner called in to attend such a case, if the poisoning or the anthrax was contracted in a factory or workshop, must report it to the Chief Inspector. The Secretary of State may extend these provisions to any other disease occurring in a factory or workshop.

Poisoning or anthrax in a factory or workshop. 1895, s. 29.

The last provision of the Act of 1895 which seems to require special notice is that which empowers a person charged with an offence under the Acts to give evidence on his own behalf if he thinks fit to do so.

Competency of defendant to give evidence. 1895, s. 49.



CHAPTER I.

GENERAL VIEW OF THE ACTS.

Consolidation
of previous
enactments in
1878.

The law relating to Factories and Workshops is to be found in a series of Acts dating from 1878. From the beginning of this century a large number of statutes had been passed on this subject, dealing first (in 1802) with "the preservation of the health and morals of apprentices and others," then (in 1833) with the regulation of the labour of children and young persons, and afterwards, by degrees, with all the matters which form the subject of the present law. In the year 1878 all these enactments were consolidated in a single statute, which is the foundation of the existing law.

Distinction
between
factories and
workshops.
1878, s. 93.

1878, Sched.
4, Part 1.

The places to which the Acts apply are either factories or workshops. The general distinction between these two classes of places is, that in the former machinery is used, worked by steam, water, or other mechanical power, in the latter it is not. But there is a list of 19 classes of works, which are defined to be factories and not workshops, whether mechanical power is used in them or not.

Distinction
between textile
and non-textile
factories.
1878, s. 93.

Factories are divided into textile and non-textile factories. The term "textile" applies to factories where mechanical power is used to work machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton, wool, hair, silk, flax, hemp, jute, tow, china-grass, cocoa-nut fibre, or other like material. But certain works where these materials are dealt with are specially excepted, and declared not to be textile, namely, print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works. Under the definition of non-textile factories, there are the 19 classes of works referred to above, which are factories whether mechanical power is used there or not,

and there are also seven other classes of works which are specifically defined as being non-textile factories if mechanical power is used there. But the bulk of non-textile factories come under their general definition as premises (other than textile factories) where any articles are made, altered, repaired, ornamented, finished, or adapted for sale, by means of manual labour exercised for gain, if mechanical power is used on the premises. The chief practical distinctions made in the Acts between textile and non-textile factories relate to the hours of labour of children, young persons, and women, and are to the effect that in non-textile factories, the hours on Saturday are slightly longer, and the intervals for meals on other days are shorter, than in textile factories; that overtime employment is allowed in special cases in non-textile factories, but never in textile factories, except in the case of a warehouse forming part of a textile factory; and that the length of time allowed for continuous employment, without an interval of half an hour for a meal, is five hours in non-textile factories, and four and a half hours in textile factories.

1878, Sched.
4, Part 2.

Workshops are defined generally as places, not being factories, where any articles are made, altered, repaired, ornamented, finished, or adapted for sale, by means of manual labour exercised for gain. There is a list of seven classes of works, which are non-textile factories if mechanical power is used there, but which are defined to be workshops if no mechanical power is used there. But these would all be included under the general definition given above. Workshops generally are subject to the same regulations as non-textile factories with regard to hours of labour. As far as their sanitary condition is concerned, workshops are subject to the control of the local authority, not to that of the factory inspector. In other respects, with slight miscellaneous exceptions, they are on the same footing as factories in general, but of course the provisions of the Acts which relate to machinery have no application in workshops.

Meaning of
"workshop."
1878, s. 93.

1878, Sched.
4, Part 2.

There are three special classes of workshops which are for certain purposes distinguished from ordinary workshops.

Special kinds
of workshops.

Domestic
workshops.

First, domestic workshops, (a) that is, private houses, places, or rooms, where no power is used, and in which the only persons employed are members of the same family dwelling there, are subject to special regulations with regard to hours of labour, and are not subject to the provisions of the Acts which relate to meal times, affixing notices, holidays, accidents, and special rules for dangerous employments.

Workshops for
adults only.
1891, s. 13.

Secondly, workshops conducted on the principle of not employing children or young persons are separately treated in one respect, that the hours of labour allowed for women are different from their hours of labour in ordinary

Workshops for
male adults
only.
1878, s. 93.

workshops. Thirdly, workshops conducted on the principle of not employing children, young persons, or women are expressly excluded from the operation of the Act of 1878, except so far as that Act refers incidentally to their sanitary condition. As far as their sanitary condition is concerned this last class of workshops are in the same position as ordinary workshops, since the Public Health Acts make no distinction between the various classes of workshops.

Division of
regulations into
two groups.

The whole of the existing regulations for factories and workshops may be roughly divided into two main groups, the first dealing with the state of the premises where the work is done, and of the machinery (if any) on the premises, and designed to protect the health and safety of the workers; and the second, laying down the conditions of employment. The first group, being general in its application, affects all classes of workers, male and female, adult and juvenile, alike. The second group, with a few comparatively unimportant exceptions, does not at present apply to male adults, but only to classes consisting of children, young persons, and women. Children may not be employed under the age of 11, and continue to be children, within the meaning of the Acts, till they are 14. Young persons extend from 14 to 18 years of age.

Sanitary con-
dition.

The regulations included in the first group are chiefly concerned with the sanitary condition of factories and

(a) This expression includes certain factories where no power is used (see page 8 above).

workshops, and the safety of the workpeople. Under the former head are comprised the following subjects, namely, cleanliness, freedom from noxious effluvia, cubic space in rooms, ventilation, lavatories, sanitary conveniences, temperature, and humidity of air. Regulations for safety deal with the condition, the fixing, and the fencing of machinery, with protection against fire, and with the framing of Special Rules for dangerous employments. Under this head also come regulations prescribing the steps to be taken in case of accidents or poisoning occurring in a factory or workshop, the notices which must be given, the reports which must be made, and the inquiries which may take place. Further, there are provisions determining the employer's liability to make compensation to a workman suffering injury in consequence of a breach of the Acts by the employer.

Safety.

Accidents.

Compensation
for injury.

The regulations included in the second group, relating to conditions of employment, determine the limits of hours of labour for children, young persons, and women in various factories and workshops, and the conditions under which overtime employment is lawful, fix the holidays which must be allowed to the same classes of workers, and impose on the employer the duty of seeing that children in his employment duly attend school (unless specially exempted), and that children and young persons under 16 are medically certified to be fit for work before they enter his service.

Conditions of
employment.

The number of registered factories and workshops to which the Acts applied in 1894 was 77,708 factories, and 92,141 workshops, and the Act of 1895 will cause a considerable increase. For the enforcement of the law in these places throughout the United Kingdom, factory inspectors are appointed by the Secretary of State, consisting of a Chief Inspector, six Superintending Inspectors, and 75 Inspectors, with 25 assistants. All inspectors under the Acts have full powers to enter factories and workshops by day or by night, and any person who delays or obstructs an inspector is liable to punishment. Other officials charged with administrative duties under the Acts are the Certifying

Administration
of the law.

Inspectors.

Certifying
surgeons.

The Secretary
of State.

Penalties.

Surgeons, who are appointed for particular districts by the Chief Inspector of Factories, and whose duties are to examine children and young persons with a view to granting to them certificates of fitness for employment, and to investigate and report on accidents occurring in a factory or a workshop. The general administration of the Acts is largely under the control of the Secretary of State for the Home Department, who has extensive powers of determining the limits within which particular provisions of the Acts are to be in operation. In the event of breaches of any provisions of the Acts, penalties are imposed which may be recovered before courts of summary jurisdiction, and factory inspectors are empowered to take proceedings to recover the penalties.

CHAPTER II.

SANITARY PROVISIONS.

Distinction
between
factories and
workshops.

Under this head it will be convenient to treat factories and workshops separately, since the main part of the law which governs them is contained in different Acts and administered by different authorities. At the end of the chapter will be found certain miscellaneous sanitary provisions introduced by the Act of 1895, with regard to which workshops are on the same footing as factories.

A.—*Factories.*

Law relating to
factories.

The sanitary conditions required fall under three heads, (a) cleanliness and freedom from effluvia, (b) overcrowding, (c) ventilation.

Cleanliness,
&c.
1878, s. 3.

(a.) *Cleanliness, &c.*—It is required generally that a factory shall be kept in a cleanly state, and that it shall be free from effluvia arising from any drain, watercloset, earthcloset, privy, urinal, or other nuisance. In particular

all inside walls and ceilings or tops of rooms in a factory, and all passages and staircases, must either be painted with oil or varnished every seven years, and also washed with hot water and soap every 14 months, or if they are not so painted or varnished and washed they must be limewashed every 14 months. The Secretary of State may exempt any class of factories from these special regulations as to painting and limewashing, if they appear to him to be unnecessary or inapplicable.^(a)

Limewashing.
1878, s. 33.

(b.) *Overcrowding*.—A minimum space is now required in each room of 250 cubic feet for each person employed, or during overtime of 400 cubic feet. The Secretary of State may modify this proportion for any period when artificial light (other than electric light) is used, and may require a larger space to be allowed in the case of any particular process or handicraft. A notice must be affixed showing the number of persons who may be employed in each room. If there is less space in any room than the minimum required, the factory is deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed there.

Overcrowding.
1878, s. 3.
1895, s. 1.

(c.) *Ventilation*.—A factory must be so ventilated as to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the work that may be injurious to health. In a factory in which there is carried on grinding, glazing, or polishing on a wheel, or any process by which either dust, or any gas, vapour, or other impurity, is generated and inhaled by the workers to an injurious extent, an inspector may require a fan or other mechanical means of ventilation to be provided, maintained, and used, if he thinks that the inhalation can be largely prevented by such means.

Ventilation.
1878, s. 3.

1878, s. 36.
1895, s. 33.

The authority charged with the duty of seeing that the above-mentioned rules are carried out in a factory is the factory inspector for the district. His position, powers, and duties are explained in Chapter XVII.

Administration
of law in
factories.

(a) For a list of factories so exempted, in whole or in part, see note (b) on 1878, s. 33.

B.—Workshops.

Provisions of
Public Health
Acts.

As far as sanitary provisions are concerned, the Act of 1891 excluded workshops from the operation of the Factory Acts, and brought them under the Public Health Acts. The regulations and requirements of the Public Health Acts on this subject, as supplemented by section 4 of the Act of 1891, are nearly the same as those of the Factory Acts relating to the sanitary condition of factories, which are set out above under the three heads of cleanliness and freedom from effluvia, overcrowding, and ventilation (*see note (a) on 1878, s. 3*). The only difference in the case of workshops is that mechanical means of ventilation are never required in a workshop, and that the special regulations as to painting and limewashing, which are set out above under the head of "cleanliness," do not extend to workshops. It is provided instead that the sanitary authority may give notice to the owner or occupier of a workshop, requiring him to limewash, cleanse, or purify the workshop or part of it, if this appears necessary for the health of the workers. If the owner or occupier makes default he is liable to a fine of 10s. per day, and the sanitary authority may do the necessary work at his expense.

Limewashing.

1891, s. 4,
subs. (2), (3).

Administration
of law in
workshops.

The chief importance of the alteration effected by the Act of 1891, in bringing workshops under the Public Health Acts, lies in the means by which the law is enforced. The controlling authority for workshops now is the sanitary authority, acting by their officers, the medical officer of health, and the inspector of nuisances, who have for this purpose the powers of factory inspectors. A breach of the law on this subject is declared to be a nuisance, and may be dealt with summarily under the Public Health Acts.

Order of
Secretary of
State in case
of general
default.

1891, s. 1.

There are, however, two cases in which, if the sanitary authority are in default in executing the law relating to workshops, the factory inspector may take action. First, if the Secretary of State is satisfied that the provisions of the Public Health Acts as to the sanitary condition of any workshop or class of workshops or laundries are not observed, he may by order authorise factory inspectors to take the necessary steps for enforcing those provisions. In

this case factory inspectors have the same powers as under the Factory Acts, they may take any proceedings which might be taken by a sanitary authority, and they may recover their expenses from the sanitary authority in default.

Secondly, in case of any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water supply, nuisance, or other matter in a factory or workshop which can be dealt with under the Public Health Acts but not under the Factory Acts, the factory inspector may give notice to the sanitary authority, and in case the sanitary authority fail to take proceedings within a month to enforce the law, the inspector may take any proceedings which might be taken by the sanitary authority, and may recover the expense from the sanitary authority. The sanitary authority are required to inform the inspector of any proceedings taken by them in consequence of the inspector's notice.

Action by
factory inspec-
tor in case of
particular
default.

1878, s. 4.

1891, s. 2.

1895, s. 3.

It will be observed that the second of the above cases relates to factories as well as workshops, and would apply to a defect of a structural nature in a factory, such as would ordinarily not come within the scope of an inspector's powers.

In addition to the general sanitary provisions already mentioned, with regard to which factories and workshops are subject to different authorities, the Act of 1895 has introduced some new sanitary requirements. These are as follows :—

- (1.) Adequate measures must be taken for securing and maintaining a reasonable temperature in each room in which any person is employed.

Temperature.
1895, s. 32.

- (2.) A limit is set to the amount of atmospheric humidity permitted in textile factories in which such humidity is artificially produced, and which are not subject to special rules, by the application to such factories of the Cotton Cloth Factories Act, 1889, with such

Atmospheric
humidity.
1895, s. 31.

modifications in the scale of maximum limits as the Secretary of State may direct.

Sanitary
conveniences.
1895, s. 35.

- (3.) There must be a sufficient supply of sanitary conveniences, and where persons of each sex are employed there must be separate accommodation for each sex.

It will be observed that the person responsible, under the provisions enumerated in this chapter, for the sanitary condition of a factory or workshop, is the actual occupier of the factory or workshop, except in tenement factories, where under 1895, s. 24, the owner is substituted for the occupier.

CHAPTER III.

SAFETY.

(a.) *Machinery.* | (b.) *Fire.*

(a.) *Machinery.*

The Acts require special precautions to be taken with regard to the cleaning of machinery in motion, with regard to employment about a self-acting machine, and with regard to the fencing of machinery.

Cleaning
machinery.

1878, s. 9.

1895, s. 8.

Machinery is of two kinds, mill-gearing, by which power is transmitted, (a) and the manufacturing part, by which the work is actually done. Children may not be allowed to clean any part of machinery of either kind, while it is in motion by the aid of steam, water, or other mechanical power. Young persons may not be allowed to clean any dangerous part of machinery of either kind, while it is so in motion. There is a presumption (until

(a) See definition of "mill-gearing," 1878, s. 96.

the contrary is proved) that any part is dangerous, if the inspector notifies it to the occupier to be dangerous. There is no restriction on the cleaning by women of the manufacturing part of machinery. Neither young persons nor women may be allowed to clean any part of mill-gearing while it is in motion for the purpose of propelling any part of the manufacturing machinery. 1878, s. 9.

Children, young persons, and women may not be allowed to work between the fixed and traversing parts of a self-acting machine, while the machine is in motion by the action of steam, water, or other mechanical power. No person employed in a factory (of whatever age or sex) may be allowed to be in the space between the fixed and traversing parts of a self-acting machine, unless the machine is stopped with the traversing part on the outward run, but that space does not (for the present purpose) include the space in front of a self-acting machine. In any factory erected after the beginning of 1896, the traversing carriage of a self-acting machine may not be allowed to run out within 18 inches of any fixed structure not being part of the machine, if any person is liable to pass over the space over which it runs out. Self-acting machines. 1878, s. 9. 1895, s. 9, subs. (2). 1895, s. 9, subs. (1).

The following parts of machinery in a factory must be securely fenced:— Fencing of machinery. 1878, s. 5.

- (1.) Every hoist or teagle ; 1891, s. 6.
- (2.) Every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine-house or not ; 1895, s. 7.
- (3.) Every part of any water wheel or engine worked by steam or water or other mechanical power ;
- (4.) Every wheel-race not otherwise secured ;(a)
- (5.) Every part of the mill-gearing ;(b)
- (6.) All dangerous parts of the machinery of whatever kind.

(a) The fencing must be close to the edge of the wheel-race.

(b) See definition of "mill-gearing," 1878, s. 96.

The machinery under the first four of the above heads must be fenced whatever may be its position or construction. Under heads (5) and (6), fencing is unnecessary if the mill-gearing or other machinery is in such position or of such construction as to be equally safe to every person working in the factory as it would be if it were securely fenced.

Fencing to be maintained.

1878, s. 5,

subs. (4).

1895, s. 7,

subs. (3).

All fencing must be constantly maintained in an efficient state, while the parts required to be fenced are in motion or use, except when they are under repair, or under examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating, or for altering the gearing or arrangements of the parts of the machine.

Prohibition of use of dangerous premises.

1895, s. 2.

There are two cases in which, on application being made by an inspector, a court of summary jurisdiction may interfere, by means of summary prohibitions, to protect the safety of workpeople. The first is the case of any premises used as a factory or workshop (or as part of a factory or workshop), which are in such a condition that any manufacturing process or handicraft carried on there cannot be carried on there without danger to health, life, or limb. In such a case the court may prohibit the use of the premises for the purpose of that process or handicraft, until the necessary steps have been taken to remove the danger. But proceedings may not be taken under this provision in cases where the local authority have power to act under the Public Health Acts, unless the local authority have made default, and the inspector is consequently empowered to act in their place (*see pp. 14, 15*). This provision would apply to danger arising from defective condition of walls or ceilings or other parts of the structure, or from inadequate ventilation.

Prohibition of use of dangerous machine.

1895, s. 4.

The second case in which an order of summary prohibition may be obtained is the case of a machine used in a factory or workshop which cannot be used without danger to life or limb. The court may either absolutely prohibit the use of such a machine, or require repairs or alterations to be made, and prohibit the use of the machine till they are made. In case of imminent danger to life the

court may make an interim order prohibiting the use of the machine, either absolutely or subject to conditions, until the case can be heard and determined.

(b.) *Fire.*

The provisions of the Acts which require precautions to be taken against fire in factories and workshops make a distinction between old and new buildings.

Every factory erected since January 1, 1892, and every workshop erected since January 1, 1896, in which more than 40 persons are employed, must be furnished with a certificate from the sanitary authority (in London from the county council) that reasonable provision has been made for the escape, in case of fire, of all persons employed on storeys above the ground floor. It is the duty of the sanitary authority (or county council) to examine every such factory and workshop, and to supply the certificate if they are satisfied that reasonable provision has been made.

Precautions
against fire in
new factories
and workshops.
1891, s. 7,
subs. (1).
1895, s. 10,
subs. (4).

In every factory or workshop erected after January 1, 1896, the doors of each room in which more than 10 persons are employed must, except in the case of sliding doors, be constructed so as to open outwards.

Doors to open
outwards.
1895, s. 10,
subs. (3).

With regard to every factory erected before 1892, and every workshop erected before 1896, it is the duty of the sanitary authority (in London of the county council) to ascertain whether the factory or workshop is provided with reasonable means of escape, in case of fire, for all persons employed on storeys above the ground floor. If the sanitary authority (or county council) find that any such factory or workshop is not provided with such reasonable means of escape, it is their duty to serve notice on the owner, requiring him to take before a certain day the necessary steps for providing proper means of escape. The owner is authorised to take the necessary steps in spite of any agreement with the occupier, and any question arising between the owner and the occupier as to whether the occupier should bear or contribute towards the expense of complying with the notice may be settled in the county court for the district. In case of a difference of opinion

Precautions
against fire in
old factories
and workshops.
1891, s. 7,
subs. (2).
1895, s. 10,
subs. (4).

between the owner and the sanitary authority (or county council) either party may, on application within a month after the time when the difference arises, require the matter to be referred to arbitration. The arbitration is to be conducted according to the rules in the first schedule to the Act of 1891. The award may either discharge, amend, or confirm the notice. If there is no difference of opinion or if the notice is confirmed or amended by the award, the owner is required, under penalty to comply with the requirements of the notice.

Action by
inspector on
default by
sanitary
authority.

1895, s. 10,
subs. (5).

If the sanitary authority (or county council) fail to perform their duty with regard to requiring proper means of escape from fire, the factory inspector may give notice to them, and in case they fail to take the proper steps within a month, the inspector may take the proceedings which they might have taken, and recover the expense from them. The sanitary authority (or county council) are required to inform the inspector of any proceedings taken by them in consequence of the inspector's notice.

Order to pro-
vide movable
fire escapes.

1895, s. 10,
subs. (1).

The reasonable means of escape referred to above do not, either in an old or in a new factory or workshop, include the provision of movable fire escapes. But where an inspector is of opinion that movable fire escapes are required for the safety of the persons employed in a factory or workshop, he may apply to a court of summary jurisdiction, and the court may by order require the occupier to provide one or more of such fire escapes.

Doors not to
be fastened on
the outside.

1895, s. 10,
subs. (2).

While any person is within a factory or workshop for the purpose of employment or meals, neither the external doors, nor the door of any room in which any such person is, may be locked, bolted, or fastened in such a manner as not to be easily opened from the inside.

CHAPTER IV.

EMPLOYMENT.

- | | | |
|---|--|--|
| (a.) <i>General.</i> | | (c.) <i>Period of Employment</i> |
| (b.) <i>Period of Employment</i>
<i>for Young Persons.</i> | | <i>for Women.</i> |
| | | (d.) <i>Period of Employment</i>
<i>for Children.</i> |

(a.) *General.*

The meaning of "employment" in the Acts is minutely laid down. It includes work in a factory or workshop, whether for wages or not, either

Meaning of
employment.
1878, s. 94.

- (a) in a manufacturing process or handicraft; or
- (b) in cleaning any place used for such process or handicraft; or
- (c) in cleaning or oiling any part of the machinery;
or
- (d) in connexion with the process or handicraft, or with the article made or otherwise dealt with.

The Acts do not apply to employment in a factory or workshop for the sole purpose of repairing the premises or the machinery, nor to the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats, nor to the process of cleaning and preparing fruit between June and September, to prevent it from spoiling, immediately upon its arrival in a factory or workshop.

Kinds of em-
ployment not
within the Act.
1878, s. 100.

1891, s. 32.

There is a presumption (until the contrary is proved) that a person found in a factory or workshop is employed there, except at meal times, or (in a factory) when the machinery is stopped, or while bringing food between 4 and 5 p.m. to the persons employed. But this presumption does not apply to open yards, nor to rooms in which no work is done, nor to domestic workshops.

Persons found
on the pre-
mises deemed
to be employed
there.
1878, s. 92.
1891, s. 30.

The provisions which determine the length and conditions of employment in factories and workshops apply to three classes of persons employed, children, young persons, and women. Children are persons under 14 years of age.

Children,
young persons,
and women.

1878, s. 96.

Young persons are male or female persons between 14 and 18 years of age. A female young person becomes a woman, within the meaning of the Acts, on reaching 18 years of age.

Children, young persons, and women may be employed in any factory or workshop, subject to the following limitations. No child under 11 may be employed in any factory or workshop. No child, young person, or woman may be employed in a factory or workshop on Sunday, except in the case (referred to later in this chapter) where both employer and employed are of the Jewish religion. No woman may be employed in a factory or workshop within a month after childbirth. In certain specially dangerous processes the employment of children and of young persons is prohibited^(a), and in any dangerous occupation for which Special Rules are made under the Act of 1891 the employment of any class of persons (including male adults) may in future be either restricted or prohibited by the Special Rules.

Definite periods of employment are fixed for each of these classes of persons in textile factories, non-textile factories, and workshops, and (subject to the exceptions presently mentioned) it is an offence punishable by fine to employ any of them outside the period fixed for them. The exceptions allowed to this rule are of two kinds. In some cases an alteration may be made in the hours of labour, but so that the total length of the period is not increased. In other cases additional hours (called overtime) may be worked, except on Saturday. The extent of both kinds of exceptions, the factories and workshops to which they apply, and the conditions on which they are allowed, are minutely determined in the Acts. In very many cases the Secretary of State has power to add to the lists of factories and workshops to which the exceptions apply, by an Order published in the Gazette and laid before Parliament, the Order being revocable by the Secretary of State. Wherever an exception of this kind is allowed, either by the Acts themselves or under an Order, the

(a) For a list of these processes, see 1873, sched. 1.

Secretary of State may, by a similar Order, impose conditions relating to cleanliness, ventilation, or (in the case of night work) to hours of employment. The general periods of employment, and the particular exceptions of both kinds which are allowed, are specified in detail in this chapter, under the heads of the classes of workers to whom they relate.

Secretary of State.
1878, s. 63.
1895, s. 4,
subs. (3).

Special exceptions with regard to Saturday and Sunday work are made in favour of a Jewish occupier of a factory or workshop. If he keeps his premises closed on Saturday till sunset, he may employ young persons and women from sunset to 9 p.m. If he keeps his premises closed on Saturday both before and after sunset, he may add an hour, at the beginning or end of the ordinary period for young persons and women employed by him, on every other day in the week, but the additional hour must be between 6 a.m. and 9 p.m. Further, as far as concerns the young persons and women employed by him, who are also of the Jewish religion, he may employ them on Sunday if he keeps his premises entirely closed on Saturday. In this case either Sunday or Friday must take the place of Saturday as far as concerns the period of employment, and the factory or workshop must not be open for traffic on Sunday.

Employment by Jews on Saturday and Sunday.
1878, s. 50.

1878, s. 51.

The sections which fix the periods of employment for the different classes of workers require fixed intervals for meals to be allowed during the periods. The actual time of the meal hours may in general be fixed by the employer. The meal hours must be the same for all children, young persons, and women employed in a factory or workshop, except in certain specified classes of works, the list of which the Secretary of State has power to extend.(a) During the meal hours no child, young person, or woman may be employed in the factory or workshop, or remain in a room where work is carried on, except in certain specified classes of works, the list of which the Secretary of State has power to extend.(a) Further there

Meal hours.

Meal hours to be simultaneous.
1878, s. 17.
1878, s. 52.

No employment during meal hours.
1878, s. 17.
1878, s. 52.

(a) For the extent of these exceptions, including additions made by the Secretary of State, see 1878, sched. 3, part 2, and note (a) on 1878, sched. 3, part 2.

Absence from
certain places
during meal
hours.

1878, s. 39.

Continuous
employment
without meals.
1878, ss. 11-16.

1878, s. 48.

Notices of
employment
and meal
hours.

1878, s. 19.

Notices, &c. of
exceptional
employment.

1878, s. 66.

are certain parts of certain specified factories and workshops (the list of which the Secretary of State has power to extend), in which no child, young person, or woman may take a meal or remain during meal hours, even if no work is being carried on there. (a) No child, young person, or woman may be employed continuously, for more than $4\frac{1}{2}$ hours in a textile factory, or for more than 5 hours in a non-textile factory or a workshop, without an interval of at least half an hour for a meal; but this rule does not apply to women employed in a workshop conducted on the principle of not employing young persons or children. Certain specified textile factories (the list of which the Secretary of State has power to extend) are for the purpose of this last-mentioned rule put on the same footing as non-textile factories from November to March, if the period of employment begins at 7 a.m. and the first hour of the period is allowed for meals. (b)

In every factory or workshop the occupier (c) must affix a notice showing the period of employment and the meal hours for his factory or workshop, as well as the system on which children are employed (*see below*, pp. 31, 32). A change may not be made in the period, meal hours, or system so specified until notice has been sent to the inspector and affixed in the factory or workshop, and may not be made oftener than once a quarter, unless for special cause approved in writing by the inspector.

An occupier of a factory or workshop who proposes to avail himself of any special exception, by which the period of employment may be either altered or extended, must serve notice of his intention on the inspector seven days in advance. He must also (except in the case of a domestic workshop) affix a similar notice in the factory or workshop seven days in advance, and keep the notice affixed during the time of the exceptional employment.

(a) For the premises to which this prohibition applies, including additions made by the Secretary of State, *see* 1878, sched. 2, and note (a) on 1878, sched. 2.

(b) For the list of textile factories to which this special provision relates, including additions made by the Secretary of State, *see* 1878, sched. 3, part 7, and note (b) thereon.

(c) In tenement factories, the owner (1895, s. 24).

The notice must specify the proposed hours of employment and the proposed times for meals. Before 8 p.m. on each day of overtime employment the occupier must report to the inspector particulars of the employment. He must also enter similar particulars in a register, and affix a notice containing them in the factory or workshop. If he fails in his duty with regard to any of these notices, reports, and registers, the special exception will not protect him.

Employment inside and outside a factory or workshop on the same day in the business of the factory or workshop is now subject to certain restrictions, from which the Secretary of State has power to exempt any particular trades, either generally or in particular localities. Such employment is absolutely prohibited in the case of a child, except during the recognised period of employment. It is prohibited in the case of a young person or a woman (except during the recognised period) on any day on which the young person is employed inside the factory or workshop both before and after the dinner hour. To prevent evasions, it is provided that a person is deemed to be employed outside a factory or workshop on any day on which work is given out to him, or taken out by him, to be done outside. Further, in the case of a young person or a woman employed by the same employer both in a factory or workshop and in a shop, the total period of employment on any day may not exceed that permitted in the factory or workshop. A similar limitation of hours of employment is imposed by the Shop Hours Act, 1892, in the case of a child or young person (though not in the case of a woman) who is employed in any shop, and who, to the knowledge of the shopkeeper, has already on the same day been employed in a factory or workshop.

Employment
outside factory
or workshop.
1895, s. 16.

55 & 56 Vict.
c. 62. s. 3,
subs. (2).

(b.) *Period of Employment for Young Persons.*

A.—*Ordinary Period.*

In textile factories:—

6 a.m. to 6 p.m., or 7 a.m. to 7 p.m., with two hours (of which one hour is before 3 p.m.) for meals.

Ordinary
period in
textile fac-
tories.
1878, s. 11.

On Saturday, 6 a.m. to 12.30 p.m. for manufacturing purposes, and to 1 p.m. for other purposes, or (if not less than one hour is allowed for meals) 6 a.m. to 1 p.m. for manufacturing purposes, and to 1.30 p.m. for other purposes; or from 7 a.m. to 1.30 p.m. for manufacturing purposes, and to 2 p.m. for other purposes; with at least half an hour for meals in any case.

Ordinary period in non-textile factories and workshops.
1878, s. 13.
1895, s. 36.

In non-textile factories and workshops:—

6 a.m. to 6 p.m., 7 a.m. to 7 p.m., or 8 a.m. to 8 p.m., with $1\frac{1}{2}$ hours (of which one hour is before 3 p.m.) for meals.

On Saturday, 6 a.m. to 2 p.m., 7 a.m. to 3 p.m., or 8 a.m. to 4 p.m., with half an hour for meals.

Special employment on Saturday.
1891, s. 15.

(In a non-textile factory or a workshop, Saturday employment may be from 6 a.m. to 4 p.m., with two hours for meals, for a young person who has not been employed for more than eight hours on any day in the week, if notice of the non-employment has been affixed in the factory or workshop, and served on the inspector.)

Ordinary period in domestic workshops.
1878, s. 16.

In domestic workshops:—

6 a.m. to 9 p.m., with $4\frac{1}{2}$ hours for meals.

On Saturday, 6 a.m. to 4 p.m., with $2\frac{1}{2}$ hours for meals.

B.—*Alteration of Hours.*

Employment from 9 to 9
1878, s. 43.

In any non-textile factories and workshops which may be specified in an Order by the Secretary of State, the period for young persons may be from 9 a.m. to 9 p.m. (a)

Saturday employment in Turkey red dyeing.
1873, s. 47.

In the process of Turkey red dyeing, Saturday employment may be till 4.30 p.m. if the additional hours have already been deducted on some day or days in the same week.

Male young persons in lace factories and bakehouses.
1878, ss. 44, 45.

Male young persons over 16 may be employed in lace factories between 4 a.m. and 10 p.m., with nine hours for absence and meals, and in bakehouses between 5 a.m. and 9 p.m., with seven hours for absence and meals: provided

(a) For the four cases in which the Secretary of State has authorised this period of employment, see note (a) on 1878, s. 43.

in both cases that no such person may be employed both before and after the ordinary period on the same day, nor after the ordinary period on one day and before it on the next.

The Secretary of State has power (which he has not at present exercised) to order that male young persons over 16 may be employed in bakehouses as if they were adults, either generally or in any particular district. 1878, s. 45.

In printing works where newspapers are printed on not more than two nights in a week, male young persons over 16 may be employed at night (*i.e.*, between 9 p.m. and 6 a.m.) as if they were adults, but not for more than 12 consecutive hours, nor on more than two nights in a week. Male young persons in printing works at night. 1878, s. 59. 1878, s. 96. 1895, s. 14, subs. (5).

Employment of male young persons at night (*i.e.*, between 9 p.m. and 6 a.m.) is allowed in certain specified works (the list of which the Secretary of State has power to extend, but only so as to affect male young persons over 16)(*a*). Persons employed by virtue of this exception may be employed during a period of not more than 12 consecutive hours altogether, which period must be specified in a notice, and they must have similar meal hours to those which are compulsory by day. They must not be employed during the preceding or following 12 hours, and must not be employed by virtue of this exception on more than six nights, or in blast furnaces or paper mills seven nights, in any two weeks. Young persons to whom this exception applies may also be employed on an alternative system, namely, in three shifts of eight hours each, with an interval of two unemployed shifts between each two employed shifts. From January 1, 1897, this exception will apply only to male young persons over 14, *i.e.*, not to children over 13 who, having obtained certificates of proficiency or of previous attendance at school, may be employed as young persons. Employment of male young persons at night. 1873, s. 58. 1895, s. 38. 1895, s. 14, subs. (3). 1878, s. 26.

In glass works a male young person may be employed according to the accustomed hours of the works, on certain conditions. The total period in a week must not exceed Male young persons in glassworks. 1878, s. 60.

(*a*) For the cases in which this exceptional period of employment is allowed, including additions made by Orders of the Secretary of State, see 1878, sched. 3, part 6, and note (*a*) thereon.

1895, s. 14,
subs. (7).

60 hours. The periods must not exceed 14 hours each in 4 turns per week, or 12 hours each in 5 turns, or 10 hours each in 6 turns, or they may be any less number of hours in the accustomed number of turns, but so that there may not be more than 9 turns altogether in a week. After each turn of employment there must be an interval of at least one unemployed turn. Employment must not continue for more than five hours without an interval of half an hour for a meal.

C.—*Overtime.*

Overtime employment of young persons (as distinguished from mere alteration of the hours of work) is allowed in three cases only.

Extra half
hour overtime.
1878, s. 54.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), a young person may be employed at the end of a day's work for an extra half hour, in order to complete an incomplete process, but on condition that any such extra half hours must be deducted from the total period for the week.(a)

Overtime in
Turkey red
dyeing and
bleaching.
1878, s. 55.

Where there is danger of damage from spontaneous combustion in Turkey red dying, or from any extraordinary atmospheric influence in open-air bleaching, a young person may be employed overtime to prevent the damage.

Overtime in
water mills.
1878, s. 57.

In factories driven by water power, and liable to be stopped by drought or flood, the Secretary of State may authorise the employment of young persons from 6 a.m. to 7 p.m., with intervals for meal hours, on days other than Saturday. This overtime must not be worked, where the danger is from drought, on more than 96 days, or where the danger is from floods, on more than 48 days, in any year. It must not extend beyond the time already lost during the previous 12 months.(b)

(a) For cases in which this extra period is allowed, including additions made by Order of the Secretary of State, see 1878, sched. 3, part 4, and note (a) thereon.

(b) For an Order of the Secretary of State authorising overtime in water mills on certain conditions, see note (c) on 1878, s. 57.

(c.) *Period of Employment for Women.*

A.—*Ordinary Period.*

In textile factories:—

6 a.m. to 6 p.m., or 7 a.m. to 7 p.m., with two hours (of which one hour is before 3 p.m.) for meals.

On Saturday, 6 a.m. to 12.30 p.m. for manufacturing purposes, and to 1 p.m. for other purposes, or (if not less than one hour is allowed for meals) 6 a.m. to 1 p.m. for manufacturing purposes, and to 1.30 p.m. for other purposes; *or* from 7 a.m. to 1.30 p.m. for manufacturing purposes, and to 2 p.m. for other purposes; with at least half an hour for meals in any case.

Ordinary period in textile factories. 1878, s. 11.

In non-textile factories, and in workshops where children or young persons are employed:—

6 a.m. to 6 p.m., 7 a.m. to 7 p.m., or 8 a.m. to 8 p.m., with $1\frac{1}{2}$ hours (of which one hour is before 3 p.m.) for meals.

On Saturday, 6 a.m. to 2 p.m., 7 a.m. to 3 p.m., or 8 a.m. to 4 p.m., with half an hour for meals.

(In a non-textile factory or a workshop, Saturday employment may be from 6 a.m. to 4 p.m., with two hours for meals, for a woman who has not been employed for more than eight hours for any day in the week, if notice of the non-employment has been affixed in the factory or workshop, and served on the inspector.)

Ordinary period in non-textile factories and ordinary workshops. 1878, ss. 13, 15.

Special employment on Saturday. 1891, s. 15.

In workshops conducted on the principle of not employing children or young persons:—

A specified period of 12 hours between 6 a.m. and 10 p.m., with a specified period of $1\frac{1}{2}$ hours for meals.

On Saturday, a specified period of eight hours between 6 a.m. and 4 p.m., with a specified period of half an hour for meals.

Ordinary period in adult workshops. 1878, s. 15.

In domestic workshops there are no restrictions on the employment of women.

Employment in domestic workshops.

B.—Alteration of Hours.

Employment
from 9 to 9.
1878, s. 43.

In any non-textile factories and workshops which may be specified in an Order by the Secretary of State, the period for women may be from 9 a.m. to 9 p.m.(a)

Saturday em-
ployment in
Turkey red
dyeing.
1878, s. 47.

In the process of Turkey red dyeing, Saturday employment may be till 4.30 p.m., if the additional hours have already been deducted on some day or days in the same week.

C.—Overtime.

Overtime in
works where
a sudden press
of business is
common.
1878, s. 53.

The principal case in which overtime employment of women is allowed is that of certain specified non-textile factories, workshops, and warehouses (the list of which the Secretary of State has power to extend), in which either materials are liable to be spoiled by the weather, or there is a press of work at certain seasons, or there may be a sudden press of orders from unforeseen causes.(b) In these places women may be employed either from 6 a.m. to 8 p.m., or from 7 a.m. to 9 p.m., or from 8 a.m. to 10 p.m., with two hours (of which half an hour must be after 5 p.m.) for meals. A woman may not be employed overtime under this exceptional provision on more than three days in a week, or on more than 30 days in a year.

1895, s. 14,
subs. (2).

Extra half
hour overtime.
1878, s. 54.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), a woman may be employed at the end of a day's work for an extra half hour, in order to complete an incomplete process, but on condition that any such extra half hours must be deducted from the total period for the week.(c)

Overtime in
Turkey red
dyeing and
bleaching.
1878, s. 55.

Where there is danger of damage from spontaneous combustion in Turkey red dyeing, or from any extraordinary

(a) For the four cases in which the Secretary of State has authorised this period of employment, *see* note (a) on 1878, s. 43.

(b) For the long list of non-textile factories and workshops to which this provision for overtime applies, including additions made by Orders of the Secretary of State, *see* 1878, sched. 3, part 3, and note (b) thereon. The provision applies to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods (1895, s. 37, subs. (2)).

(c) For cases in which this extra period is allowed, including additions made by Order of the Secretary of State, *see* 1878, sched. 3, part. 4, and note (a) thereon.

atmospheric influence in open-air bleaching, a woman may be employed overtime to prevent the damage.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), in which the articles or materials dealt with are of a perishable nature, women may be employed from 6 a.m. to 8 p.m., or from 7 a.m. to 9 p.m., with two hours (of which half an hour must be after 5 p.m.) for meals.(a) A woman may not be employed overtime under this exceptional provision on more than five days in a week, or on more than 60 days in a year.

Overtime in works where perishable goods are dealt with.

1878, s. 56.

1895, s. 14, subs. (2).

In factories driven by water power, and liable to be stopped by drought or flood, the Secretary of State may authorise the employment of women from 6 a.m. to 7 p.m., with intervals for meal hours, on days other than Saturday. This overtime must not be worked, where the danger is from drought, on more than 96 days, or where the danger is from flood, on more than 48 days, in any year. It must not extend beyond the time already lost during the previous 12 months.(b)

Overtime in water mills.

1878, s. 57.

(d.) *Period of Employment for Children.*

A.—*Ordinary Period.*

In textile factories :—

Employment must be either in morning and afternoon sets, or on the alternate day system.

Ordinary period in textile factories.

1878, s. 12.

Morning and afternoon sets :—

The morning set begins at the time when employment of young persons begins in the factory (*i.e.*, at 6 a.m. or 7 a.m.).

Morning and afternoon sets.

1878, s. 12.

The morning set may end either at 1 p.m. or at the beginning of the dinner hour (if before 1 p.m.), and the afternoon set may begin either at 1 p.m. or at the end of the dinner hour (if after 1 p.m.).

(a) For the short list of cases to which this provision for overtime applies, including additions made by Order of the Secretary of State, see 1878 sched. 3, part 5, and note (b) thereon.

(b) For an Order of the Secretary of State authorising overtime in water mills on certain conditions, see note (c) on 1878, s. 57.

1883, s. 14.

If the dinner hour does not begin before 2 p.m., the afternoon set may begin at noon, in which case the morning set must end at noon.

1878, s. 12.

The afternoon set ends at the time when employment of young persons ends in the factory (*i.e.*, at 6 p.m. or 7 p.m.).

Saturday
employment.
1878, s. 12.

On Saturday the period for children begins and ends at the same time as the period for young persons: *see* page 26 above. But a child may not be employed on two successive Saturdays, nor on any Saturday if his period on any day in the same week has exceeded $5\frac{1}{2}$ hours.

A child may not be employed in a morning set in two successive periods of seven days, nor in an afternoon set in two successive periods of seven days.

Alternate day
system.
1878, s. 12.

Alternate day system:—

The period for children is the same as for young persons: *see* page 25 above. Under this system a child may not be employed on two successive days, nor on the same day in two successive weeks.

Ordinary
period in
non-textile
factories and
workshops.
1878, s. 14.

In non-textile factories and workshops:—

Employment must be either in morning and afternoon sets, or on the alternate day system.

Morning and
afternoon sets.
1878, s. 14.

Morning and afternoon sets:—

The morning set begins at 6 a.m. or 7 a.m., or, if the period for young persons in the factory or workshop is from 8 a.m. to 8 p.m., it may begin at 8 a.m.

The morning set may end either at 1 p.m., or at the beginning of the dinner hour (if before 1 p.m.), and the afternoon set may begin either at 1 p.m., or at the end of the dinner hour (if after 12.30 p.m.)

1883, s. 14.

If the dinner hour does not begin before 2 p.m., the afternoon set may begin at noon, in which case the morning set must end at noon.

1878, s. 14.

The afternoon set ends at 6 p.m. or 7 p.m. (according as the morning set began at 6 a.m. or 7 a.m.), or if the period for young persons and

women in the factory or workshop is from 8 a.m. to 8 p.m., it may end at 8 p.m.

On Saturday the period for a morning or an afternoon set is the same as on other days, except that the afternoon set must end at 2 p.m., or at 4 p.m. if the period for young persons and women is from 8 a.m. to 8 p.m. A child may not be employed on Saturday in the same set as on any other day of the same week.

Saturday
employment.
1878, s. 14.

A child may not be employed in a morning set in two successive periods of seven days, nor in an afternoon set in two successive periods of seven days.

Alternate day system :—

Alternate day
system.
1878, s. 14.

The period is from 6 a.m. to 6 p.m., or 7 a.m. to 7 p.m., or (if the period for young persons and women is 8 a.m. to 8 p.m.) from 8 a.m. to 8 p.m., with two hours for meals.

On Saturday, from 6 a.m. or 7 a.m. to 2 p.m., or (if the period for young persons and women is 8 a.m. to 8 p.m.) from 8 a.m. to 4 p.m., with half an hour for meals.

Under this system a child may not be employed on two successive days, nor on the same day in two successive weeks.

In domestic workshops :—

Ordinary
period in
domestic work-
shops.
1878, s. 16.

Employment is only in morning and afternoon sets, and not on the alternate day system.

The period is from 6 a.m. to 1 p.m., or from 1 p.m. to 8 p.m., or on Saturday afternoon from 1 p.m. to 4 p.m.

A child may not be employed before 1 p.m. in two successive periods of seven days, nor after 1 p.m. in two successive periods of seven days.

On Saturday a child may not be employed before 1 p.m. if he has been employed before 1 p.m. on any

other day in the same week, nor after 1 p.m. if he has been employed after 1 p.m. on any other day in the same week.

There must be no continuous employment for more than five hours without an interval of half an hour for meals.

B.—*Alteration of Hours.*

Employment
when period is
from 9 to 9.
1878, s. 43.

In certain non-textile factories and workshops specified in an Order by the Secretary of State, if the period for young persons and women is from 9 a.m. to 9 p.m., the morning set for children begins at 9 a.m., and the afternoon set ends at 8 p.m.(a)

C.—*Overtime.*

Extra half
hour overtime.
1878, s. 54.

In certain specified non-textile factories and workshops (the list of which the Secretary of State has power to extend), a child may be employed at the end of a day's work for an extra half hour, in order to complete an incomplete process, but on condition that any such extra half hour must be deducted from the total period for the week.(b)

CHAPTER V.

CERTIFICATES OF FITNESS FOR EMPLOYMENT.

Certificates of
fitness for
employment in
factory.
1878, s. 27.

In a factory, it is necessary to obtain from the certifying surgeon, for every child or young person under 16 employed there, a certificate of fitness for employment in that factory. The occupier is allowed seven work days in which to obtain the certificate, or, if the certifying surgeon resides more than three miles from the factory, 13 work days. For the

(a) For the four cases in which the Secretary of State has authorised this period of employment, see note (a) on 1878, s. 43.

(b) For cases in which this extra period is allowed, including additions made by Order of the Secretary of State, see 1878, sched. 3, part 4, and note (a) thereon.

appointment and duties of certifying surgeons and the fees to be paid to them, *see* Chapter xvii.

This obligation to obtain certificates of fitness does not exist in the case of workshops, but the Secretary of State has power (which he has not at present exercised) to extend it to workshops.

Certificates of fitness not compulsory in workshops.
1878, s. 41.

The occupier of a workshop may, if he thinks fit, as a precautionary measure, obtain from the certifying surgeon certificates of fitness for children and young persons under 16 employed in his workshop.

Certificates of fitness may be obtained for workshops.
1878, s. 28.

In the case of any particular child or young person under 16 employed in either a factory or a workshop, who appears to the inspector to be incapacitated for ordinary daily work by disease or bodily infirmity, the inspector may serve notice on the occupier of the factory or workshop, requiring him to discontinue the employment of the child or young person from the period named therein, not being less than one day nor more than seven days from the service of the notice. After the expiration of that time, the occupier may not employ the child or young person until he has obtained from the certifying surgeon a fresh certificate that the child or young person is not incapacitated for work.

Further certificate of fitness required in certain cases.
1878, s. 29.

The certificate of fitness must deal with two points, the age of the child or young person, and the absence of incapacity, on the ground of disease or bodily infirmity, for daily work during the time allowed by law. The age of the child must be proved to the certifying surgeon either by production of a certificate of birth or by other satisfactory evidence. A certificate of birth may be obtained for 6*d*. It consists either of a certified copy of the entry in the register of births, or of a certificate from the school authority based on the returns made to them by the registrar of births and deaths. If the age of the child or young person is proved to the certifying surgeon by evidence other than a certificate of birth, and the inspector has cause to believe that the real age is less than appears in the certificate of fitness, the inspector may annul the certificate of fitness.

Contents of certificate.
1878, s. 27.

Proof of age.
1878, ss. 27, 30.

Personal
examination of
child or young
person.

1878, s. 73.

In order to certify that a child or young person is not incapacitated from daily work, the certifying surgeon must first make a personal examination of the child or young person. The examination must be held, and the certificate signed, at the factory or workshop, unless either the number of children and young persons employed at the factory or workshop are less than five, or there is some other reason allowed in writing by the inspector.

Extent of
application of
certificate.

1878, s. 30.

1895, s. 26.

The certificate may be made to apply to all or any of the factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon. A certificate of fitness for employment in a tenement factory is valid for similar employment in any part of the same tenement factory.

Reasons for
refusing certi-
cate.

1878, s. 73.

If the certifying surgeon refuses to grant a certificate of fitness, he must (if required) give the reasons for his refusal in writing.

New certificate
at age of 14.

1878, s. 30.

When a child reaches the age of 14, and thereby becomes a young person, a fresh certificate must be obtained of his fitness for employment under the new conditions.

Production of
certificate to
inspector.

1878, s. 30.

The certificate of fitness must (when required) be produced to the inspector by the occupier.

CHAPTER VI.

EDUCATION OF CHILDREN.

Restrictions on
employment of
children.

The employment of children (that is, of persons between 11 and 14) in a factory or workshop is subject to various restrictions, framed in the interest of the children's education, and imposed either by the Factory Acts or by the Elementary Education Acts.

Conditions of
employment of
child under 13.
43 & 44 Vict.
c. 23. s. 4.

A child between 11 and 13 may not be employed at all, either in a factory or workshop or elsewhere, before he has reached the standard of education, fixed by the local bye-laws for total or partial exemption from attending school.

A child between 13 and 14 may be employed as a young person (and consequently need not go to school at all) if he has obtained a certificate of proficiency or of previous attendance at a "certified efficient school." For this purpose, the standard of proficiency in England and Wales is now higher than under the Elementary Education Act, 1876, being Standard 5 of the Code of 1893. The standard of previous attendance is the same as under the Act of 1876, namely, 250 attendances a year for five years in not more than two schools in each year, after reaching the age of five. Under the Factory Acts, a child of 13 must either obtain one of these two certificates or attend school in accordance with the Factory Acts.

When a child over 13 may be employed as a young person.

1878, s. 26.

1878, s. 95.

The regulations for Scotland and Ireland with regard to the employment of a child as a young person are somewhat different. For the standards of proficiency and of previous attendances in those countries, *see* note (b) on 1878 s. 26.

A child between 11 and 13, who has reached the standard for total or partial exemption under the Elementary Education Acts, and consequently may be employed, must still, if employed in a factory or workshop, attend school in accordance with the requirements of the Factory Acts. So must a child of 13 who has not obtained a certificate entitling him to be employed as a young person.

Special requirements of the Factory Acts with regard to education.

The regulations of the Factory Acts with regard to school attendance are made binding on parents and guardians, who are liable to punishment if they are not observed. The attendances required are, for a child employed in a morning or afternoon set, one attendance on each work day, and for a child employed on the alternate day system, two attendances on each work day preceding each day of employment. For this purpose an attendance means an attendance for secular instruction for at least two hours. A child need not attend school on Saturday, or on any holiday or half holiday allowed him under the Factory Acts. A child is excused attendance if his

Regulations of Factory Acts.

1878, s. 23.

Number of attendances.

Length of attendances.

Saturdays and holidays.

Excuses for non-attendance.

Deficiencies in be made up to the following week.

Choice of school.

1878, s. 23.

1878, s. 95.

1878, s. 23.

teacher certifies that he was absent from illness or other unavoidable cause, or if the school is temporarily closed for holidays, or for any other reason. Otherwise, any deficiencies of attendance in one week must be made up in the next before the child may be employed. The parent or guardian may choose the school, but it must be a "recognised efficient school," as defined in the Act of 1878, or, if there is no such school within two miles from the child's residence, some other school temporarily approved by the inspector.

Occupier must obtain certificate of school attendance.

1878, s. 24.

Besides the duty imposed on parents to carry out the above-mentioned regulations, the Factory Acts impose certain obligations on the occupier of a factory or workshop with regard to the education of a child in his employment. On every Monday (or other day appointed by the inspector), he must obtain from the child's teacher a certificate of the child's attendance at school during the previous week. Till he has obtained such a certificate, and till the child has made up any deficiency of school attendance appearing in the certificate, the occupier may not employ the child.

Payment of school fees by occupiers.

1878, s. 25.

Further, the school board or other school authority who manage the school attended by the child may apply to the occupier of the factory or workshop for a weekly payment not exceeding 3*d.*, and not exceeding one-twelfth of the child's weekly wages. The occupier must pay the sum so demanded, and may deduct it from the child's wages.

CHAPTER VII.

HOLIDAYS.

Sundays and Saturday afternoons.

1878, s. 21.

On Sundays no children, young persons, or women may be employed in any factory or workshop, except in two cases, (1) where night work of male young persons is

allowed under 1878, s. 58 (*see* p. 27 above), and (2) where both the employer and the employed are of the Jewish religion, in which case, as has already been stated (p. 23), Saturday may, on certain conditions, be substituted for Sunday. On Saturday afternoon the period of employment for children, young persons, and women terminates earlier than on other days, and no overtime employment is then allowed; but this does not apply where night work of male young persons is allowed under 1878, s. 58 (*see* p. 27 above).

1878, s. 51.

1895, s. 14,
subs. (8).

Besides Sundays and Saturday afternoons, all children, young persons, and women employed in a factory or workshop (other than a domestic workshop) must be allowed at least six other holidays in each year. The holidays fixed for England and Wales under the Act of 1895 are Christmas Day, Good Friday, and the four Bank holidays.

Compulsory
holidays.

1878, s. 22.

1895, s. 17.

For any one of these days, except Christmas Day, the occupier may substitute either one whole holiday or two half holidays. A Jewish occupier may also, if all the children, young persons, and women in his employment are of the Jewish religion, substitute two Bank holidays for Christmas Day and Good Friday, but if he does so he must not keep his factory or workshop open for traffic on Christmas Day or Good Friday.

Substitution of
other holidays.

1895, s. 17.

1878, s. 51.

If an occupier wishes to make such a change in any year, he must during the first week in January affix a notice in his factory or workshop, showing the proposed holidays for the year, and send a copy of the notice to the inspector. If he has made a change in this way, he may make a further change on giving 14 days' similar notice.

Notice of sub-
stitution.

1891, s. 16.

In Scotland and Ireland the regulations are somewhat different. In Scotland there are two fixed days which must be allowed, in place of Christmas Day and Good Friday. In Ireland there are two fixed days, Christmas Day and either March 17, Good Friday, or Easter Tuesday. In both countries the occupier must allow in addition four whole holidays or eight half holidays. He must affix a

Scotland and
Ireland.

1891, ss. 33, 34.

notice showing the days so allowed during the first week of January, and may change any day on giving 14 days' notice.

Length of half holiday.

1878, s. 22, subs. (5).

A half holiday must comprise at least half the regular period of employment for young persons and women on some day other than Saturday.

Time for holidays.

1878, s. 22, subs. (3).

At least half of the holidays in any year must be between March 15 and October 1.

When holidays need not be simultaneous.

1878, s. 49.

All the children, young persons, and women in a factory or workshop must have the same holidays, except in the small number of classes of factories and workshops in which the Secretary of State has authorised the giving of different holidays to different persons or sets of persons.(a)

CHAPTER VIII.

ACCIDENTS.

Notice to inspector.

1895, s. 18, subs. (1).

Notice must be sent to the inspector for the district if an accident occurs which causes to any person employed in the factory or workshop either loss of life, or such bodily injury as prevents his employment for five hours on his ordinary work on any one of the three working days immediately following the occurrence of the accident.

Notice to certifying surgeon.

1895, s. 18, subs. (2).
38 Vict. c. 17. s. 63.

Notice must be sent to the certifying surgeon if the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or escape of gas, steam, or other metal. If the accident is caused by explosives notice must be sent to the Government inspector appointed under the Explosives

38 & 39 Vict. c. 17.

(a) For the factories and workshops in which different holidays may be given, see note (a) on 1878, s. 49.

Act, 1875, and not to the certifying surgeon, nor to the factory inspector.

The notice must state the residence of the person killed or injured, and the place to which he has been removed.

If any accident, of which notice is required, occurs in an iron mill or blast furnace or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer must immediately report the accident to the occupier.

Duties of employer when not occupier.
1895, s. 18, subs. (5).

The occupier of a factory or workshop must keep a register of accidents, which must be open to inspection by the inspector and by the certifying surgeon. He must enter in the register all accidents of which notice is required to be given either to the inspector or to the certifying surgeon.

Occupier to keep register.
1895, s. 20.

Accidents must be entered within one week of their occurrence.

These provisions apply to workshops in which no child, young person, or women is employed, but not to domestic workshops.

Extension to men's workshops.
1895, s. 18, subs. (6).

On the receipt of a notice of accident the certifying surgeon must, with the least possible delay, proceed to the place where the accident happened, and make a full investigation as to the nature and cause of the death or injury caused by the accident, and he must within 24 hours send a report of his inquiry to the inspector.

Duties of certifying surgeon.
1878, s. 32.

For the purpose of such an investigation the certifying surgeon has the same powers as an inspector. He has also power to enter any room in a building to which the person killed or injured has been removed. (For scale of fees payable to certifying surgeon, *see* Chapter XVII.)

Powers of certifying surgeon.
1878, s. 32.

When a death has occurred by accident in any factory or workshop the coroner must at once advise the inspector for the district of the time and place of the holding of the inquest.

Duties of coroner.
1891, s. 22, subs. (3).

Except under the circumstances mentioned below the coroner must adjourn the inquest if an inspector or some person on behalf of the Secretary of State is not present to watch the proceedings, and he must give the inspector

Coroner to adjourn inquest if inspector not present.
1895, s. 19.

at least four days' notice of the time and place of holding the adjourned inquest.

Circumstances which make adjourned inquest unnecessary.

1895, s. 19.

The coroner need not adjourn the inquest if—

- (i.) the accident has not caused the death of more than one person ; and
- (ii.) the inspector has received not less than 24 hours' notice of the time and place of the inquest ; and
- (iii.) the majority of the jury think it unnecessary to adjourn.

Persons entitled to attend inquest and examine witnesses.

1891, s. 22, subs. (3).

The following persons are entitled to attend the inquest and examine any witness either in person or by counsel, solicitor, or agent, subject nevertheless to the order of the coroner :—

- (i.) Any relative of any person whose death was caused by the accident ;
- (ii.) Any factory inspector ;
- (iii.) The occupier of the factory or workshop in which the accident occurred ; and
- (iv.) Any person appointed by the order in writing of the majority of the workpeople employed in the factory or workshop in which the accident occurred.

Secretary of State may direct formal investigation.

1895, s. 21.

50 & 51 Vict. c. 58.

The Secretary of State may direct that a formal investigation be held of the causes and circumstances of an accident occurring in a factory or workshop. This power extends to a workshop in which no child, young person, or woman is employed, and such an investigation is held under the rules laid down by ss. 45 and 46 of the Coal Mines Regulation Act, 1887.

Penal compensation.

1878, s. 82.

1895, s. 13.

If any person is killed or suffers bodily injury or injury to health in consequence of the occupier of a factory or workshop having failed to observe any provision of the Acts, or any special rules or requirements made under the Act of 1891, the occupier is liable to a fine not exceeding 100*l.*, and the whole or any part of that sum may be applied for the benefit of the injured person or his family, or otherwise, as the Secretary of State determines.

CHAPTER IX.

SPECIAL RULES FOR DANGEROUS OCCUPATIONS.

The general provisions of the Acts for the protection of life, limb, and health may be supplemented, in factories or workshops (other than domestic workshops) where specially dangerous or unhealthy trades are carried on, by the application of special rules or requirements. A list of the occupations and processes for which special rules or requirements have at present been made will be found in note (*d*) on 1891, s. 8, and a full list of all the special rules and requirements now in force is given in the Appendix.

Before such rules or requirements can be made, the Secretary of State must certify that in his opinion either—

- (1) some machinery or process or particular description of manual labour used on the premises is injurious to health or dangerous to life or limb (either generally, or in the case of women, children, or any other class of persons); or
- (2) the provision for the admission of fresh air is not sufficient; or
- (3) the quantity of dust generated or inhaled on the premises is dangerous or injurious to health.

When such certificate is given the chief inspector serves a written notice on the occupier of the factory or workshop proposing such special rules, or requiring the adoption of such special measures, as he thinks necessary to meet the circumstances.

Notice of proposed rules to occupier.
1891, s. 8, subs. (1).

The proposed rules may prohibit or shorten the employment of any class of persons, but if such persons are adults the rules must be laid before Parliament for 40 days before they come into force

Rules forbidding or limiting the employment of certain persons.
1895, s. 28, subs. (1).

Rules binding if no notice of objection.

1891, s. 8, subs. (2).

The occupier may object, but if he does not give written notice of objection within 21 days from the receipt of the chief inspector's notice, the rules or requirements become binding.

Secretary of State may agree to modifications.

1891, s. 8, subs. (3).

The notice of objection may suggest modifications of the chief inspector's proposals, and such modifications may be assented to by the Secretary of State. The modified rules or requirements thereupon become binding.

Arbitration in case of difference.

1891, s. 8, subs. (4).

If, however, the Secretary of State does not assent to any objection or suggested modification by the occupier, the matter in difference must be referred to arbitration, the award in which finally settles the rules to be established or the requirements to be observed.

Rules relating to arbitration. 1891, sched. 1.

The rules relating to an arbitration held for this purpose will be found in the first schedule to the Act of 1891. It is also provided that the arbitrators or umpire may on the application of any of the workmen employed in the class of employment to which the arbitration relates, appoint a person to represent the workmen, or any class of them, on the arbitration, Security for costs may be required as a condition of the appointment of such a representative. The representative may take part in the proceedings, either in person or by counsel, solicitor, or agent, subject to the directions of the arbitrators or umpire. He will be liable to costs as if he were a party to the arbitration.

Representation of workmen on arbitration.

1895, s. 12.

1891, s. 8, subs. (7).

If any person cannot obey the rules or requirements without breaking an agreement with some other person, he must break the agreement, and is protected from any penalty or forfeiture for doing so.

Amendment of rules.

1891, s. 10.

The rules so made may be altered from time to time, at the instance either of the Secretary of State or of the occupier, and the provisions with respect to the original rules apply as nearly as possible to such new rules.

Copies of rules to be posted up.

1891, s. 11, subs. (1).

Printed copies of these rules must be kept posted up in conspicuous places in the factory or workshop, and a printed copy must be given by the occupier to any person affected by the rules, on his or her application.

Any person tearing down or defacing one of these notices is liable to a penalty.

Defacing
notices.
1891, s. 11,

In any legal proceedings a copy of these rules certified by an inspector to be a true copy is sufficient evidence (but not to the exclusion of other proof) of the rules, and of the fact that they are duly established.

LAUNDRIES.

Laundries are not, strictly speaking, either factories or workshops, and before the passing of the Act of 1895 they were not subject to the general provisions of the Factory Acts. But their sanitary condition was subject to the Public Health Acts, which (as has already been stated in Chapter I.) made nearly the same requirements for workplaces not subject to the Factory Acts as were made by the Factory Acts for factories, and these requirements might be enforced by the factory inspector in case of default by the sanitary authority. The Act of 1895 does not in general terms place laundries in the same position as factories and workshops, but it lays down a separate code for laundries carried on by way of trade or for the purpose of gain. Certain classes of laundries are, however, specially exempted from these provisions. The laundries exempted are those in which the only persons employed are either—

Treatment of laundries by the Acts.

Laundries to which the Acts do not apply. 1895, s. 22. subs. (3).

- (a) inmates of any prison, reformatory, or industrial school, or other institution subject to inspection under an Act other than the Factory Acts; or
- (b) inmates of a religious or charitable institution; or
- (c) members of the same family dwelling on the premises, with not more than two other persons.

The code established by the Act of 1895 for laundries so limited and defined, proceeds partly by applying to them specific provisions of the Factory Acts, partly by making peculiar regulations for laundries.

Application to
laundries of
special sections
of the Acts.
1895, s. 22,
subs. (1) (iv).

The specific provisions of the Factory Acts which are applied to laundries take effect as if every laundry in which steam, water, or other mechanical power is used were a factory, and as if every other laundry were a workshop. These provisions are those which relate to—

- (a) sanitary provisions ;
- (b) safety ;
- (c) accidents ;
- (d) the affixing of notices and abstracts, and their contents, so far as they are applicable ;
- (e) notice of occupation ;
- (f) powers of inspectors ;
- (g) fines and legal proceedings ;
- (h) education of children.

Periods of
employment.
1895, s. 22,
subs. (1) (i).

Special periods of employment are fixed for children, young persons, and women employed in laundries. These periods, exclusive of meal hours and absence from work, are not to exceed—

- (a) for children, 10 hours in a day, and 30 hours in a week ;
- (b) for young persons, 12 hours a in day, and 60 hours in a week ;
- (c) for women, 14 hours in a day, and 60 hours in a week.

Meals.
1895, s. 22,
subs. (1) (ii).

No express regulations are made for meal times, but no child, young person, or woman may be employed continuously for more than five hours without an interval of at least half an hour for a meal.

Notices.
1895, s. 22,
subs. (1) (v).

The notice required to be affixed in each laundry must specify the period of employment and the times allowed for meals, but the period and times so specified may be varied on any day before work begins.

Overtime of
women.
1895, s. 22,
subs. (4).

No overtime employment of children or young persons is allowed, but women may be employed overtime on

certain conditions. The overtime must not exceed two hours on any day, and must not be worked on more than three days in a week or on more than 30 days in a year. No woman may under any circumstances be employed for more than 14 hours on any day.

Children, young persons, and women must be allowed the same holidays as are allowed to such persons under the Factory Acts.

In laundries worked by steam, water, or other mechanical power certain special sanitary regulations are in force. A fan, or some other suitable appliance, must be provided for regulating the temperature in every ironing room and for carrying away the steam in every washhouse. Stoves for heating irons must be separated from any ironing room, and gas irons emitting noxious fumes must not be used. The floors must be kept in good condition, and drained so as to allow the water to flow off freely.

If the occupier of a laundry, or a contractor employed by him, gives out clothes to be washed in any dwelling-house, or in a building occupied with the dwelling-house, while any inmate of the dwelling-house is suffering from scarlet fever or small-pox, the occupier or contractor will be liable to a fine not exceeding 10*l.*, unless he was not aware of the existence of the illness and could not reasonably have been expected to become aware of it.

Holidays.
1895, s. 22,
subs. (1) (iii).

Special
sanitary
requirements
in laundries
worked by
mechanical
power.
1895, s. 22,
subs. (2).

Giving out
washing to be
done where
there is
infectious
disease.
1895, s. 6.

CHAPTER XI.

DOCKS AND BUILDING OPERATIONS.

Docks, wharves, quays, and warehouses, and the machinery and plant used in such places for loading or unloading, are now brought under certain strictly defined provisions of the Factory Acts, and for that purpose

Application of
part of the
Acts to docks,
&c.
1895, s. 23,
subs. (1).

Application of
part of the
Acts to
building
operations.
1895, s. 23,
subs. (1).

treated as factories. The same provisions apply to premises on which mechanical power is temporarily used for the construction or structural alteration of a building, and such premises are also treated as factories.

In applying the Acts, the purpose for which the machinery is used is to be considered a manufacturing process, and the person who has the actual use or occupation of the wharf, dock, quay, or warehouse, or who uses any of the machinery for any of the purposes mentioned, is to be considered the occupier of a factory.

Parts of the
Acts applied.
1895, s. 23,
subs. (1).

The provisions of the Acts which are so applied are those which relate to—

- (1) penal compensation for an injured workman ;
- (2) accidents ;
- (3) powers of inspectors ;
- (4) special rules for dangerous employments ; and
- (5) prohibition of the use of dangerous machines.

Application of
part of the
Acts to build-
ings over 30
feet high.
1895, s. 23,
subs. (2).

The provisions of the Act which relate to notice of accidents, and to formal investigation of accidents, have also been applied to two classes of buildings, which for those purposes are treated as factories. The first class consists of buildings over 30 feet in height, which are being constructed or repaired by means of scaffolding. In this case the person liable as occupier is the employer of the workpeople engaged in the construction or repair. The second class consists of buildings over 30 feet in height, in which more than 20 persons, not being domestic servants, are employed for wages. In this case the person liable as occupier is the occupier of the building

CHAPTER XII.

BAKEHOUSES.

Definition of
bakehouses and
their position
under the Acts.
1878, sched. 2.,
part 2.

Bakehouses are defined as “ places in which are baked bread, biscuits, or confectionery, from the baking of which a profit is derived.” They rank as non-textile

factories or as workshops, according as mechanical power is or is not used for the purpose of baking. Bakehouses, therefore, fall under the general law relating to factories and workshops, but they are subject to certain special regulations which are set out in this chapter.

A place underground may not be used as a bakehouse unless it was so used before the end of 1895.

Underground places.
1895, s. 27, subs. (3).

A person may not occupy any room or place as a bakehouse, and may not let it or suffer it to be occupied as a bakehouse, unless the following regulations are complied with:—

Special sanitary regulations.
1883, s. 15.
1895, s. 25, subs. (2).

- (1.) No watercloset, earthcloset, privy, or ashpit may be within the bakehouse or communicate directly with it;
- (2.) Any cistern for supplying water to the bakehouse must be separate and distinct from any cistern for supplying a watercloset;
- (3.) No drain or pipe for carrying off fæcal or sewage matter may have an opening within the bakehouse.

In every bakehouse, the inside walls and ceiling or top of every room, and the passages and staircases, must either be painted with oil, varnished, or limewashed, or be partly painted or varnished and partly limewashed. Where there is paint or varnish, there must be three coats, renewed every seven years, and washed with hot water and soap every six months. Limewashing must be renewed every six months.

Painting and limewashing.
1878, s. 34.
1895, s. 25, subs. (1).

A place in the same building with a bakehouse, and on the same floor, must not be used as a sleeping place, unless—

Sleepingrooms.
1878, s. 35.
1895, s. 25, subs. (1).

- (1) it is effectually separated from the bakehouse by a partition from floor to ceiling; and
- (2) there is in the sleeping place an external window of not less than nine superficial feet in extent, of which four and a half superficial feet are made to open.

There is also a general provision that, where a court of summary jurisdiction is satisfied that a place used as a bakehouse is unfit on sanitary grounds to be so used, the

Power of court to deal with unsanitary conditions.
1883, s. 16.

court, in addition to or instead of imposing a fine on the occupier, may order him to remove the ground of complaint within a given time, under penalty of a fine not exceeding 1*l.* per day during non-compliance.

Administration
of law in retail
and other
bakehouses.
1883, ss. 17, 18.
54 & 55 Vict.
c. 76. s. 26.

All bakehouses which are factories (*i.e.* those in which mechanical power is used in aid of the process of baking) are in all respects subject to the control of factory inspectors in the same manner as other factories. But as far as concerns a "retail bakehouse" (that is a bakehouse or place, not being a factory, the bread, biscuits, or confectionery baked in which are not sold wholesale but by retail in some shop or place occupied together with such bakehouse), the special sanitary provisions mentioned in this chapter are administered by the sanitary authority and their officers, and not by the factory inspector, but the regulations as to education, hours of work, and meal times are administered by the factory inspector.

Workshop
bakehouses
where men only
are employed.
1878, s. 93.

The Act of 1878 is specially declared to apply to a bakehouse which is a workshop, although no child, young person or woman is employed there.

Exceptional
employment in
bakehouses.

Three of the special exceptions, by virtue of which exceptional employment is allowed in factories and workshops, apply to bakehouses. These exceptions relate to—

- 1878, s. 45. (1) special employment of male young persons over 16 ;
- 1878, s. 53. (2) overtime of women in biscuit baking ; and
- 1878, s. 54. (3) overtime of children, young persons and women for half an hour at the end of the day.

Meal times in
bakehouses.
1878, s. 52.

The provisions of the Acts which require (1) that the meals of all children, young persons, and women shall be simultaneous, and (2) that no child, young person, or woman shall, during meal times, be employed, or allowed to remain, in a room in which work is being done, do not apply to bakehouses which are factories, and in which bread or biscuits are made by means of travelling ovens.

CHAPTER XIII.

TENEMENT FACTORIES.

A tenement factory is a building consisting of separate parts, each of which is supplied with mechanical power from a central source, and is separately occupied for the purpose of some manufacture so as to constitute a separate factory. All buildings situate within one close or curtilage are, for the purposes of this chapter, regarded as parts of a single building.

Meaning of
tenement
factory.
1895, s. 24,
subs. (1).

In a tenement factory the owner of the whole building (by which is meant the person who receives the rackrent, or would receive it if the building was let at a rackrent) is made subject to many of the provisions of the Acts, in place of the occupier of each separate part. But this is not the case with regard to any occupier paying more than 200*l.* a year rent, and this chapter must be understood as not applying to any such occupier.

Responsibility
of owner.

1895, s. 24,
subs. (7).

The owner of the whole, and not the occupier of the part, is made directly responsible for the observance of the provisions of the Acts relating to—

1895, s. 24,
subs. (1).

- (1) sanitary condition ; 1878, s. 3.
- (2) fencing of machinery (except so far as concerns parts of the machinery supplied by the occupier), and liability in case of omission to fence ; 1878, ss. 5, 82.
- (3) affixing notices specifying the period of employment, meal hours, and mode of employment of children (unless different industries are carried on in the tenement factory) ; 1878, s. 19.
- (4) limewashing (so far as concerns an engine-house, passage, or staircase, or a room let to more than one tenant) ; 1878, s. 33.
- (5) supply of pipes or other contrivances for working a ventilating fan (except in textile factories) ; 1878, s. 36.
- (6) affixing an abstract of the Act and notices. 1878, s. 78.

Special rules.
1895, s. 24,
subs. (3).

In any special rules for dangerous employments made under the Act of 1891, the owner of the tenement factory may, if and so far as the Secretary of State directs, be substituted for the occupier of a part.

Prohibition of
use of
dangerous
premises.

1895, s. 24,
subs. (4).
1895, s. 2.

An order of the Court prohibiting the use of dangerous premises may, in the case of a tenement factory, be enforced against the owner of the whole instead of the occupier of a part.

Grinding and
cutlery in
tenement
factory.

1895, s. 25.

For every tenement factory in which grinding is carried on, certain regulations are laid down in the First Schedule, for the observance of which the owner of the whole premises is responsible. These regulations relate to the fencing of parts of the machinery, the position of grindstones, and the construction of the floors. In such a factory the owner is responsible for the condition of that part of the horsing chains and hooks which he supplies, and the occupier for the condition of that part which he supplies. In a tenement factory where either grinding or cutlery is carried on, the owner must provide for instantaneous communication between each of the rooms and both the engine-room and the boiler-house.

Certificate of
fitness in tene-
ment factory.

1895, s. 26.

A certificate of fitness for employment in a tenement factory is valid for similar employment in any part of the same factory.

CHAPTER XIV.

OUTWORKERS.

Lists of
outworkers.
1891, s. 27.

Outworkers were first recognised by the Act of 1891, by which power was given to the Secretary of State to require the occupier of any factory or workshop, and any contractor employed by such an occupier, to keep a list showing the names of all persons employed by them (either as workmen or as contractors) outside the factory or workshop, and the places where they are employed. An occupier or contractor required to keep such a list must

keep it open to inspection by either an inspector or an officer of the sanitary authority, and must send a similar list to the inspector for the district twice a year, on or before March 1 and September 1.

1895, s. 42,
subs. (1).

An order has been made by the Secretary of State requiring these lists to be kept by occupiers and contractors in the following trades(*a*):—

- The manufacture of articles of wearing apparel ;
- The manufacture of electro plate ;
- Cabinet and furniture making and upholstery work ;
- The manufacture of files.

Any place from which any work of making wearing apparel for sale is given out is, for the purpose of the above requirement, deemed to be a workshop.

1895, s. 42,
subs. (2).

The Act of 1895 contains new provisions intended to prevent the employment of outworkers in places injurious or dangerous to health. These provisions however do not come into force until the Secretary of State makes an order, and then they apply only to persons employed in classes of work specified in the order and to areas specified in the order. The Secretary of State has no power to make the order except with respect to areas where by reason of the number and distribution of the population, or the conditions under which the work is carried on, there are special risks of injury or danger to the health of the persons employed and of the district.

Employment
of outworkers
in unhealthy
places.
1895, s. 5.

By virtue of these new provisions (where they are brought into force by the order of the Secretary of State) if an inspector finds that any place where outworkers are employed is injurious or dangerous to their health, he may give notice to the occupier of the factory or workshop or other place from which the work is given out, or to a contractor employed by the occupier, that the place is so injurious or dangerous. Then if after a month from the receipt of the notice, the occupier or contractor gives out work to be done in the same place, the inspector may proceed against him, and if the court finds that the place is in

(a) See Order gazetted November 4, 1892.

fact injurious or dangerous to health, the occupier or contractor is liable to a penalty not exceeding 10*l*.

Clothes made or cleaned on infectious premises.

1895, s. 6.

Special precautions are required to be taken as to the places where wearing apparel is made, cleaned, or repaired. The occupier of any factory, workshop, laundry, or place from which such work is given out, or any contractor employed by such an occupier, is liable to a fine not exceeding 10*l*. if he has caused or allowed any work of the above nature to be done in any dwelling-house (or building occupied with a dwelling-house) in which any inmate is suffering from scarlet fever or small-pox. The occupier may escape liability by proving that he was not aware of the existence of the illness in the dwelling-house, and that he could not reasonably have been expected to become aware of it.

CHAPTER XV.

PARTICULARS OF WORK AND WAGES.

Where particulars must be supplied.

1895, s. 40, subs. (1), (6).

The Act of 1895 has introduced an elaborate scheme regulating the particulars which an employer must supply to workers who are paid by the piece, in order that the workers may make sure of receiving their due wages. The scheme at present applies only to textile factories, but there is a provision that the Secretary of State may apply the scheme, with the necessary modifications, to any class of non-textile factories, or to any class of workshops.

Particulars of wages and particulars of work distinguished.

1895, s. 40, subs. (1).

Two classes of particulars must be supplied to the work-people, particulars of rate of wages, and particulars of the work to be done. In some cases the workman must receive a separate ticket, showing the particulars which apply to his own work, in other cases it is enough to exhibit on a placard the particulars which apply to all the workers in a room.

Particulars of wages in the worsted and woollen trades.

1895, s. 40, subs. (1).

In the worsted and woollen weaving trades, other than the hosiery trade, particulars of the rate of wages, applicable to the work to be done by each weaver, must be both

furnished in writing to each workman separately when the work is given to him, and exhibited conspicuously on a placard.

In other textile trades (including the hosiery trade), it is generally necessary to supply particulars of the rate of wages in writing to each workman separately when the work is given to him. But if the same particulars are applicable to the work to be done by each of the workmen in one room, separate delivery of these particulars is not necessary, but it is enough to exhibit them conspicuously in that room on a placard.

Particulars of wages in other trades.
1895, s. 40, subs. (1).

In all textile factories alike, such particulars of the work to be done as affect the amount of wages must be furnished to each workman in writing at the time when the work is given to him, except so far as they can be ascertained by means of an automatic indicator.

Particulars of work.
1895, s. 40, subs. (1).

The use of symbols to express particulars of either kind is prohibited.

Use of symbols.

Where an automatic indicator is used for ascertaining work, the number of the teeth in each wheel, and the diameter of the driving roller, must generally be marked upon its case. But in the case of spinning machines with traversing carriages, the number of spindles and the length of the stretch must be marked on the indicator's case, instead of the diameter of the driving roller.

Automatic indicators.
1895, s. 40, subs. (1).

It is specially provided that, if particulars of the rate of wages are conspicuously exhibited on a placard in each room, in pursuance of an agreement between employer and employed, and particulars of the work to be done are ascertained by means of an automatic indicator, it is not necessary in any textile factory to furnish any further particulars.

Special agreement as to particulars to be supplied.
1895, s. 40, subs. (1).

Any person who uses a false indicator, or tampers with an indicator, is liable to a penalty.

Fraudulent use of indicator.
1895, s. 40, subs. (2).

Any workman who discloses particulars furnished to him, for the purpose of divulging a trade secret, is liable to a penalty. Any person who solicits, procures, or pays for,

Disclosure of trade secrets.
1895, s. 40, subs. (3), (4).

the disclosure of particulars, for the purpose of discovering or divulging a trade secret, is also liable to a penalty.

CHAPTER XVI.

THE TRUCK ACTS.

Prohibition of
payment of
wages other-
wise than in
current coin.

The object of the Truck Acts is to ensure to workmen the payment of the entire amount of their wages in current coin of the realm, unfettered by any promise or obligation that it should be spent in any particular manner or at any particular shop. The Acts are principally directed against payment of wages in goods, a proceeding by which the employer might either cheat the workman by giving him inferior goods or goods overcharged, or supply him with goods beyond his wages, get him into his debt, and then have an injurious control over him. The earlier Act, passed in 1831, first prohibits two kinds of contract, for the payment of wages otherwise than in current coin or (if the workman consents) in bank notes, and for the expenditure of wages in any particular place or in any particular manner. Either of such contracts is declared to be "illegal, null, and void." Then actual payment of wages otherwise than in current coin is also declared to be "illegal, null, and void." An employer making either a contract or a payment declared to be illegal is punishable by fine. The effect of the contract and payment being declared to be null and void is, that a workman can recover from his employer any balance of wages not paid in current coin, and that an employer cannot claim payment for goods supplied to the workman either by the employer or his agent or at any shop in which the employer is interested, and cannot meet the workman's claim for wages by a set-off or counter claim in respect of any goods so supplied. Further, if a workman becomes chargeable to the parish, the guardians, or the inspectors of the poor in Scotland,

1831, ss. 1, 2.
1887, s. 5.

1831, s. 8.

1831, s. 3.

1831, s. 9.

1831, ss. 4, 5, 6.
1887, s. 5.

1831, s. 7.

may recover from his employer any balance of wages earned by him and not paid to him in current coin.

These general rules are subject to exceptions. An employer may agree to give, and may give, certain advantages to a workman, and these advantages may take the place of part of his wages, if there is an agreement in writing to that effect signed by the workman. These advantages may consist of the supply of medicine or medical attendance, of fuel, of materials, of tools or implements of miners, of hay, corn, or provender for horses or other beasts, of a cottage to live in, or of victuals cooked and eaten under the employer's roof. The employer may (if there is an agreement in writing) make a fair deduction from wages in respect of any of these matters, or in respect of any money advanced to provide for them. Further an employer may (without any separate agreement) advance money to a workman for a contribution to a friendly society or savings bank, or for his relief in sickness, or for his children's education at such school as the workman chooses, and may deduct from wages money so advanced. Lastly, an employer may undertake (by a separate agreement not necessarily in writing) the sharpening or repairing of the workman's tools, and may deduct money for this purpose from wages. It will be observed that none of these exceptions deal with mere deductions as such (as, for example, deductions made by way of fines for misconduct), which are in fact not prohibited by the Acts. What the Acts prohibit in general, and what the exceptions authorise in particular cases, is the supply of goods or other supposed benefits in substitution for part of the wages, such part of the wages being, of course, deducted from the amount actually paid. Where the deductions are on account of education, medicine, medical attendance, or tools, the employer must once a year submit an account of receipts and expenditure in respect of the deductions, to be audited on behalf of the workmen.

Exceptions to
general rule.

1831, s. 23.

1831, s. 24.

1887, s. 8.

Deductions.

1887, s. 9.

The principles of the Acts are extended by the later Act, passed in 1887, so as to protect a class of persons who cannot be said to be employed, but who are in a

Extension of
Acts to sale of
small articles
manufactured
at home.

1887, s. 10.

position analogous to that of persons employed. These are persons who manufacture at home, and sell to shopkeepers or dealers, articles which are made of wool, cloth, cotton, leather, silk, lace, or similar materials and which are of a value not exceeding 5*l*. These persons must be paid for such articles in current coin, subject to the same exceptions as in the case of workmen.

Withholding
advance of
wages.

1887, s. 3.

Another provision of the Act of 1887 makes it illegal to withhold any advance of wages to which a workman is entitled by custom or otherwise, or to charge discount for the advance.

Workmen to
whom the Act
applies.

1887, s. 2.

1887, s. 4.

The earlier Act of 1831 applied only to workmen employed in particular occupations specified in the Act. By the Act of 1887, the two Acts are made to apply to all workpeople employed in manual labour, except domestic servants. With regard to servants in husbandry, to whom the earlier Act did not apply at all, there is now a special qualification allowing employers to contract to supply to them food, non-alcoholic drink, cottages, or other allowances or privileges, in addition to money wages.

Administration
of Acts.

1887, s. 13.

As far as factories and workshops are concerned, these Acts are administered by factory inspectors, who for this purpose have the same powers as under the Factory Acts.

CHAPTER XVII.

ADMINISTRATION.

A.—*Inspectors.*

B.—*Occupiers.*

C.—*Certifying Surgeons.*

D.—*The Secretary of State.*

A.—*Inspectors.*

Position of
inspectors
under the
Home Office.
1878, s. 67.

Wherever an inspector is mentioned in the Factory Acts, the official referred to is an inspector of factories and workshops appointed by the Home Secretary. The Home Secretary controls the administration of the Acts, and has power to determine in what cases the inspectors are to

execute their powers, and in what manner their duties are to be performed.

The following persons are disqualified from acting as inspectors :—

Disqualifications for acting as inspector.

- (1.) The occupier of a factory or workshop ;
- (2.) A person interested in a factory or workshop, or in any process or business carried on in it, or in a patent connected with it ;
- (3.) A person employed in or about a factory or workshop.

In the appointment of inspectors for Wales and Monmouth, persons who know Welsh are to be preferred.

Inspectors in Wales.
1891, s. 23.

Notice of the appointment of an inspector must be published in the "Gazette."

Notice of appointment.

An inspector is relieved from liability to serve in any parochial or municipal office.

Relief of inspector from liability to hold office.

An inspector is generally authorised to exercise such powers as may be necessary for carrying the Acts into effect. In particular he has the following powers :—

Powers of inspectors.
1878, s. 68.

- (1.) To enter by day any place which he has reasonable cause to believe to be a factory or workshop ;
- (2.) To enter, inspect, and examine, either by day or by night, at any reasonable time, any place which in fact is a factory or workshop or any part of one, if he has reasonable cause to believe that any person is employed there ;
- (3.) To take a constable into a factory or workshop if he has reasonable cause to fear obstruction ;
- (4.) To require the production of the registers, certificates, notices, and documents kept in pursuance of the Acts, and to inspect, examine, and copy them ;
- (5.) To ascertain whether the requirements of the Factory Acts and the Public Health Acts are complied with in a factory or workshop ;
- (6.) To enter any school in which he has reasonable cause to believe that any children employed in a factory or workshop are being educated ;
- (7.) To examine, either alone or in the presence of any other person, with respect to matters under the Acts,

any person whom he either finds in a factory or workshop or a school, or has reasonable cause to believe to be employed in a factory or workshop, or to have been so employed within two months ;

(8.) To require any such person to be so examined, and to sign a declaration of the truth of his statements ;

1895, s. 51.

(9.) To prosecute, conduct, or defend before a court of summary jurisdiction or a justice, any proceeding arising under the Factory Acts or in the discharge of his duty.

Assistance to be given to an inspector.

1878, s. 68.

The occupier of a factory or workshop and his agents and servants, are obliged to furnish an inspector with the means required by him for the exercise of his powers.

Obstruction of inspector.

1878, s. 68.

The following acts are declared to amount to obstruction of an inspector, and to be punishable by fine :—

(1.) Delaying an inspector in the exercise of his powers ;

(2.) Failure to comply with an authorised requisition by an inspector ;

(3.) Failure to produce a certificate or document ;

(4.) Concealing or preventing a child, young person, or woman from appearing before an inspector or being examined by him ;

(5.) Attempting to conceal or prevent such a person from so appearing or being examined.

No one bound to criminate himself.

Any person may decline to answer a question which tends to criminate him, and commits no offence by so declining.

Penalties for obstruction.

For the penalties for obstructing an inspector, *see* Chapter XVIII., Legal Proceedings and Penalties.

Certificate of appointment.

1878, s. 70.

Every inspector is furnished with a certificate of his appointment, and on applying for admission to a factory or workshop he must, if required, produce his certificate to the occupier. Any person who either forges such a certificate, or uses a forged or false certificate, or personates an inspector, or falsely pretends to be an inspector, may be imprisoned for a period not exceeding three months, with or without hard labour.

Miscellaneous powers of inspectors.

Besides the ordinary powers enumerated above, an inspector has certain other powers and duties, which are

dealt with elsewhere in this book. These powers and duties are—

- (1) to take proceedings where the sanitary authority are in default (*see pp. 14, 15*);
- (2) to take part in proceedings at inquests (*see p. 42*);
- (3) to approve of a school for a child's attendance, where there is no recognised efficient school which the child can attend within 2 miles of its residence (*see p. 38*);
- (4) to appoint certifying surgeons (*see p. 66*); (a)
- (5) to enforce the Truck Acts (*see p. 59*);
- (6) to enforce the Elementary Education Acts so far as concerns the employment of children (*see p. 37*);
- (7) to enforce the Prevention of Cruelty to Children Act, 1889, if so directed by the Secretary of State.

As far as relates to the sanitary condition of workshops, the position of the inspector is taken by the sanitary authority, acting by their officers the inspector of nuisances and the medical officer of health, who for this purpose have all the powers of a factory inspector. For this subject, and for the power of an inspector to take proceedings in case of default by the sanitary authority, *see p. 14*. For the duty of the sanitary authority (or in London, of the county council) to enforce precautions against fire, *see p. 19*.

Administra-
tive duties of
sanitary
authority.

B.—*Occupiers.*

The duties of the occupier of a factory or workshop with regard to the notices, lists, reports, returns, and registers required by the Acts, may be arranged under three heads:—

Occupiers
duties.

- (a.) Notices to be exhibited in the factory or workshop;
- (b.) Registers and lists to be kept in the factory or workshop;
- (c.) Notices, &c., to be sent to the inspector.

(a.) *Notices to be exhibited.*

Notices in a factory or workshop must be affixed at the entrance, and in other places where required by the inspector. They must not be removed, and must be so placed

Notices to be
affixed in
factories and
workshops.

(a) This power is exercised by the Chief Inspector of Factories.

as to be easily legible. The obligation to exhibit notices does not apply to “domestic workshops” (in the wider sense)(*a*).

It is compulsory in every factory and workshop to exhibit notices showing the following matters :—

- | | |
|---------------------------|---|
| 1878, s. 78. | 1. An abstract of the Act in the prescribed form. |
| | 2. The name and address of the prescribed inspector. |
| | 3. The name and address of the certifying surgeon. |
| | 4. The clock (if any) by which times are fixed. |
| 1895, s. 1,
subs. (3). | 5. The number of persons who may be employed in each room. |
| 1878, s. 19. | 6. The period of employment and meal times, and the mode of employment of children.(<i>b</i>) |

It is compulsory in certain factories and workshops to exhibit notices showing the following matters :—

- | | |
|---|--|
| 1878, s. 38. | 1. Prohibition of employment of children and young persons (in premises specified in 1878, schedule 1). |
| 1878, s. 39. | 2. Prohibition of taking meals in certain parts (in premises specified in 1878, schedule 2 and note (<i>a</i>) thereon). |
| 1891, s. 11. | 3. A copy of the special rules in force (in premises specified in 1891, s. 8, note (<i>d</i>).)(<i>c</i>) |
| 52 & 53 Vict.
c. 62. s. 7.
1895, s. 31. | 4. Table of limits of humidity and readings of the thermometer (in cotton cloth factories and humid textile factories). |

Where it is intended in particular factories or workshops to take advantage of certain special provisions of the Acts, it is necessary as a condition of the right to take such advantage, to exhibit notices showing the following matters :—

- | | |
|--------------|---|
| 1878, s. 66. | 1. Intention to act upon a special exception.(<i>d</i>) |
| 1891, s. 16. | 2. Substitution of other holidays for those fixed by the Acts (to be exhibited in the first week in January). |

(*a*) See note (*a*) on 1878, s. 16.

(*b*) These matters may not be altered until a fresh notice has been exhibited.

(*c*) In Wales and Monmouth the rules must be posted in Welsh as well as in English (1891, s. 11). For the various rules now in force, see Appendix.

(*d*) Where the exception relates to overtime, a notice containing the prescribed particulars must be kept posted during the overtime (1891, s. 14). A full list of special exceptions is given at the end of this chapter.

- | | |
|---|--------------|
| 3. Further substitution of holidays (to be exhibited 14 days before the proposed day). | 1891, s. 16. |
| 4. Notice of eight hours maximum of employment in any week (where it is desired to employ young persons or women in a non-textile factory or workshop for eight hours on Saturday). | 1891, s. 15. |

(b.) *Registers and Lists to be kept.*

These registers and lists must be kept open to inspection by the inspector. They need not be kept in "domestic workshops." They are as follows:—

- | | |
|--|------------------------------|
| 1. Register of children and young persons (in every factory, and in workshops where women may be employed overtime under 1878, s. 53). | 1878, s. 77.
1895, s. 15. |
| 2. Register of accidents causing death or serious bodily injury (in every factory and workshop). | 1895, s. 20. |
| 3. List of out-workers and their places of employment (in the occupations specified in note (a) on 1891, s. 27). | 1891, s. 27. |
| 4. Register of overtime in the prescribed form (wherever overtime is worked). | 1878, s. 66. |

(c.) *Notices, &c. to be sent to the Inspector.*

The occupier of a factory or workshop is required to serve the following notices on the inspector for the district(a):—

- | | |
|---|------------------------------|
| 1. Notice of occupation of a factory or workshop (to be sent within a month after commencing occupation.(b) | 1878, s. 75.
1891, s. 26. |
| 2. Return of persons employed during the previous year, in the prescribed form (to be sent on or before March 1). | 1895, s. 34. |
| 3. Notice of any accident causing death or serious bodily injury (to be sent forthwith).(c) | 1895, s. 18. |
| 4. Notice of lead, phosphorus, or arsenical poisoning, or anthrax. | 1895, s. 29.
subs. (3). |

(a) For mode of serving notices, see 1878, s. 79.

(b) Persons in occupation of workshops before 1896, who have not already given notice of occupation, must do so before 1897 (1895, s. 4).

(c) Notice of accidents must also in certain cases be sent to the certifying surgeon (see 1895, s. 18, subs. (2)).

52 & 53 Vict.
c. 62. s. 7.

5. Notice of readings of thermometer in cotton cloth factories (to be sent at the end of each month).

1895, s. 42.

6. List of outworkers and their places of employment in the occupations specified in note (a) on 1891, s. 27 (to be sent half-yearly, on or before March 1 and September 1).

1878, s. 66.

7. Report of overtime employment (to be sent not later than 8 p.m. on the day of the employment).

52 & 53 Vict.
c. 62. s. 8.

Besides the above notices, which are to be sent to the inspector for the district, notice must be sent to the chief inspector of any cotton cloth factory in which humidity is artificially produced.

Where it is intended in particular factories or workshops to take advantage of certain special provisions of the Acts, the occupier must, as a condition of the right to take such advantage, serve notice on the inspector showing the following matters:—

1891, s. 13.

1. Intention to conduct a workshop on the principle of not employing children or young persons.

1891, s. 13.

2. Intention to alter the above system.

1878, s. 62.

3. Intention to conduct a flax scutch mill on the system of not employing children or young persons.

1878, s. 19.

4. Intention to change the period of employment or meal times, or the mode of employment of children.

1878, s. 66.

5. Intention to act upon a special exception.(a)

1895, s. 17.

6. Substitution of other holidays in England and Wales for those fixed by the Acts.

1891, s. 16.

7. Fixing of holidays in Scotland and Ireland.

1891, s. 16.

8. Substitution of other days for those stated in notice for Scotland and Ireland (14 days' notice to be given).

1891, s. 15.

9. Notice of eight hours maximum of employment in any week (when it is desired to employ young persons and women in a non-textile factory or workshop from 6 a.m. to 4 p.m. on Saturday).

Special
exceptions.

The following is a list of the subjects of special exceptions under the Acts. In all cases the occupier of a factory or workshop, before availing himself of a special exception,

1878, s. 66.

(a) A full list of special exceptions is given at the end of this chapter.

must exhibit a notice of his intention in the factory or workshop, and serve a similar notice on the inspector for the district. The cases in which the exceptions are in force will be found by referring to the notes (in Part II.) to the sections indicated below in the margin.

List of special exceptions:—

1. Employment from 9 a.m. to 9 p.m. 1878, s. 43.
2. Employment of males over 16 between 4 a.m. and 10 p.m. in lace factories. 1878, s. 44.
3. Employment of males over 16 between 5 a.m. and 9 p.m. in bakehouses in which bread is baked. 1878, s. 45.
4. Substitution of another half holiday for Saturday. 1878, s. 46.
5. Employment till 4.30 p.m. in Turkey red dyeing. 1878, s. 47.
6. Continuous employment for five hours in certain textile factories. 1878, s. 48.
7. Holidays allowed to be not simultaneous. 1878, s. 49.
8. Saturday employment and holidays for Jews. 1878, s. 50.
9. Sunday employment for Jews. 1878, s. 51.
10. Meal times allowed to be not simultaneous. 1878, s. 52.
11. Presence allowed during meal times in room where work is done. 1878, s. 52.
12. Overtime of women where goods are liable to be spoiled by the weather or through press of orders. 1878, s. 53.
13. Overtime for half an hour to complete an incomplete process. 1878, s. 54.
14. Overtime to prevent damage in Turkey red dyeing and open air bleaching. 1878, s. 55.
15. Overtime of women (perishable articles). 1878, s. 56.
16. Overtime in water mills. 1878, s. 57.
17. Night work of male young persons. 1878, s. 58.
18. Night work of male young persons over 16 employed in printing newspapers. 1878, s. 59.
19. Employment of male young persons in glass works. 1878, s. 60.
20. Employment of women in workshops where no children or young persons are employed. 1878, s. 61.

- 1878, s. 62. 21. Employment of women in flax scutch mills where no children or young persons are employed.

C.—*Certifying Surgeons.*

Appointment.
1878, s. 72.

A certifying surgeon is appointed by the Chief Inspector, who may revoke the appointment. Every appointment or revocation may be annulled by the Secretary of State on appeal to him.

The person appointed must be a duly registered medical practitioner, and must not be directly or indirectly interested in a factory or workshop in his district, or in any business or process or patent connected with such factory or workshop.

Poor law
medical officer
to act in certain
cases.

If no certifying surgeon resides within three miles of a factory or workshop, the poor-law medical officer(*a*) is to act for the time being.

1878, s. 71.
Name and
address
exhibited.
1878, s. 78.
Duties.

The name and address of the certifying surgeon for the district is to be affixed in every factory and workshop.

The main duties of a certifying surgeon are—

1878, s. 27.

(*a*) to examine children and young persons as to their fitness for employment in a factory ;(*b*) and

1878, s. 32.

(*b*) to investigate and report to the inspector upon accidents occurring in a factory or workshop.

1895, s. 29,
subs. (3).

He is also required to make a similar investigation and report with respect to every case of lead, phosphorus or arsenical poisoning, or anthrax, occurring in a factory or workshop and reported to him by the occupier ;(*c*) he must examine persons under Special Rules ; and he must, when directed by the Secretary of State, re-examine any child or young person, and make any special inquiry.

1895, s. 46.

(*a*) In Scotland the medical officer under the Public Health (Scotland) Act, 1867 ; in Ireland the dispensary doctor (*see* 1878, s. 105, subs. (4), and s. 106, subs. (4)).

(*b*) And when required by the occupier, in a workshop (1878, s. 28).

(*c*) Any medical practitioner called in to such a case must send notice of it to the chief inspector (1895, s. 29, subs. (1)). The Secretary of State may, by order, add to the list of diseases given above (1895, s. 29, subs. (4).)

He must make an annual report to the Secretary of State, at the prescribed time, as to the persons he has inspected and the results of such inspection, and he must comply with all rules made by the Secretary of State for his guidance. 1891, s. 19.
1878, s. 72.

(a.) *Certificates of Fitness.*—No certificates may be granted without a personal examination of the person named in the certificate, and the examination must generally be made in the factory or workshop where the child or young person is employed or about to be employed. But if less than five children or young persons are employed in the factory or workshop, or if, for some special reason, written permission is obtained from the inspector, the examination may be made elsewhere. Conditions of granting a certificate.
1878, s. 73.

If the certifying surgeon is satisfied by the production of a certificate of birth or other satisfactory evidence that the person examined is of the age specified in the certificate and is not incapacitated by disease or bodily infirmity for the proposed employment, he is to grant the certificate. 1878, s. 27.

If a certifying surgeon refuses to grant a certificate, he may be required to state in writing the reasons for his refusal. 1878, s. 73.

If the evidence as to age, upon which the certifying surgeon has granted a certificate, is other than a certificate of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe the real age of the child or young person to be less than that mentioned in the certificate of fitness. When a certificate may be annulled by the inspector.
1878, s. 30.

He may be required to examine a child or young person objected to by an inspector as physically unfit for employment in a factory or workshop. Examination of person objected to.
1878, s. 29.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop, and believes him to be under the age set forth in the declaration, is admissible as evidence of the age of that person. Declaration of age by certifying surgeon.
1878, s. 92.

Investigation
of accidents.
1878, s. 32.

(b.) *Accidents*.—On receipt of a notice of accident^(a) from the occupier of a factory or workshop, the certifying surgeon must proceed without delay to the factory or workshop, and make a full investigation into the circumstances of the accident. And he must within twenty-four hours send his report to the inspector for the district.

For the purposes of these investigations the certifying surgeon has the same powers as an inspector, and he also has power to enter any room in a building to which the person killed or injured has been removed.

Regulations as
to fees.
1878, ss. 32
and 74.
1895, s. 46,
subs. (3).

The fees for certificates of fitness and for examination under special rules must be paid by the occupier. Fees for the investigation of accidents, for re-examination, and for special inquiry must be paid by the Secretary of State.

The occupier may agree with the certifying surgeon as to the fee to be paid for certificates of fitness, but in the absence of any agreement the scale of fees is that given below (subject to alteration by the Secretary of State). The fees are to be paid on the completion of the examination, or, if a certificate be granted, on the signing of the certificate, or at any other time directed by the inspector. The occupier may deduct the fee, or any part of it, not exceeding 3*d.* in the whole, from the wages of any person for whom a certificate is granted.

Scale of Fees for Certificates of Fitness.

1878, s. 74.

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence.	}	2 <i>s.</i> 6 <i>d.</i> for each visit, and 6 <i>d.</i> for each person after the first five examined at the visit.
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When the examination is at a factory or workshop more than one mile from the surgeon's residence.	}	The above fees and an additional 6 <i>d.</i> for each complete half mile over and above the mile.
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(a) For accidents which must be reported to a certifying surgeon, see Chapter VIII. Accidents.

When the examination is not at a factory or workshop, but at the residence of the surgeon or at some place appointed by the surgeon for that purpose, and which place, as well as the day and hour appointed for the purpose, shall be published in the prescribed manner. } 6d. for each person examined.

Scale of Fees. Special Rules and Special Inquiries.

The scale of fees for examination under Special Rules (payable by the occupier) and for re-examination or special inquiry directed by the Secretary of State (payable by him) are as follows:—

1895.
2nd Schedule.

			s.	d.	
Under 10 hands	-	-	2	6	per visit.
„ 20 „	-	-	3	0	„
„ 30 „	-	-	3	6	„
„ 50 „	-	-	4	0	„
„ 75 „	-	-	4	6	„
„ 100 „	-	-	5	0	„
Over 100 „	-	-	7	6	„

With the addition of 1s. for every mile or portion of a mile in excess of one mile from the certifying surgeon's residence.

Scale of Fees for investigation and report of Accidents.

The scale of fees (payable by the Secretary of State, and fixed by him) is as follows:—

1878, s. 32.

If not more than one mile has been travelled - 3s.
 If more than one mile, but not more than two, has been travelled - - - - - 4s.
 If more than two miles, but not more than three, has been travelled - - - - - 5s.
 And in addition, for every half mile beyond three miles - - - - - 6d.
 But no fee is to exceed 10s.

D.—*Orders of the Secretary of State.*

Scope of
orders.

Many of the provisions of the Factory Acts depend for their effect on the making of orders by the Secretary of State. Some of these provisions impose special obligations on the occupiers of factories or workshops, others confer on them special powers, others allow them special exemptions from general obligations. In all these cases power is given to the Secretary of State to specify classes of factories and workshops to which the various provisions are to apply. Sometimes he does so by way of addition to a schedule appended to the Acts, sometimes the provisions of the Acts do not apply at all except so far as they are brought into operation by the Secretary of State.

Making of
orders.

1878, s. 65.

1895, s. 47.

1878, s. 64.

In order to exercise such a power, the Secretary of State must make and sign an order, which must be published in the London Gazette^(a) and in such other manner as he thinks best adapted for the information of all persons interested. The Secretary of State may impose such conditions in the order as he thinks desirable, and wide powers are given to him to direct any steps necessary for carrying the order into effect. He may also rescind any order made by himself or one of his predecessors.

Laying before
Parliament.

1878, s. 65.

An order, when made, must be laid before both Houses of Parliament, and either House may by resolution annul it within 40 days, without prejudice to anything done in the meantime, or to the making of a new order.

Cases in which
orders may be
made.

The cases in which orders may be made are divided below into three classes, the first relating to special obligations, the second to special powers, and the third to special exemptions. Details of the orders (if any) which have been made in each of these cases will be found in Part II. in the notes to the respective sections referred to in the margin, or to the schedules referred to in those sections.

List of cases of special obligations imposed on occupiers:—

1878, s. 39.

(1.) Prohibition of taking meals in certain parts.

^(a) In Scotland in the "Edinburgh Gazette" (1878, s. 105), in Ireland in the "Dublin Gazette" (1878, s. 106).

- | | |
|---|--------------|
| (2.) Requirement of certificates of fitness for workshops. | 1878, s. 41. |
| (3.) Requiring to keep lists of outworkers. | 1891, s. 27. |
| (4.) Prohibition of employment of outworkers in unhealthy places. | 1895, s. 5. |
| (5.) Requirement of extra space when artificial light is used. | 1895, s. 1. |
| (6.) Requirement of notice of certain diseases in factory or workshop. | 1895, s. 29. |
| (7.) Adaptation of Cotton Cloth Factories Act to textile factories. | 1895, s. 31. |
| (8.) Requirement of Particulars in non-textile factories and workshops. | 1895, s. 40. |

List of cases of special powers conferred on occupiers:—

- | | |
|---|--------------|
| (1.) Employment from 9 a.m. to 9 p.m. | 1878, s. 43. |
| (2.) Employment of male young persons as adults in bakehouses. | 1878, s. 45. |
| (3.) Substitution of another half holiday for Saturday. | 1878, s. 46. |
| (4.) Continuous employment for five hours in textile factories between November 1 and March 31. | 1878, s. 48. |
| (5.) Allowing different holidays to different persons. | 1878, s. 49. |
| (6.) Overtime employment of women to meet bad weather or press of orders. | 1878, s. 53. |
| (7.) Overtime employment for half hour at end of day. | 1878, s. 54. |
| (8.) Overtime employment of women to preserve perishable articles. | 1878, s. 56. |
| (9.) Overtime employment in water mills. | 1878, s. 57. |
| (10.) Night employment of male young persons. | 1878, s. 58. |
| (11.) Treatment of separate branches as separate factories or workshops. | 1895, s. 39. |

List of cases of special exemptions allowed to occupiers:—

- | | |
|--|--------------|
| (1.) From obligation to limewash. | 1878, s. 33. |
| (2.) From obligation to have all meal times simultaneous. | 1878, s. 52. |
| (3.) From prohibition of presence during meal times in rooms where work is being done. | 1878, s. 52. |
| (4.) From regulations as to inside and outside employment. | 1895, s. 16. |
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CHAPTER XVIII.

LEGAL PROCEEDINGS AND PENALTIES.

LEGAL PROCEEDINGS.

The court
having juris-
diction.

1878, s. 89.

All offences under the Factory Acts are prosecuted, and all fines recovered, before a court of summary jurisdiction, in manner provided by the Summary Jurisdiction Acts. Summary orders are made by a similar court in similar manner.

Composition of
the court.

42 & 43 Vict.
c. 49. s. 20.

1878, s. 89.

The court must consist of two or more justices of the peace sitting in petty sessions, or of the Lord Mayor or an alderman within the City of London, or of a metropolitan or borough police magistrate or other stipendiary magistrate in a district in which such magistrate is authorised to act. The occupier of the factory or workshop in which an offence is charged to have been committed, and his father, son, and brother are all disqualified from acting as members of the court trying the offence.

The informa-
tion.

42 & 43 Vict.
c. 49. s. 39.

1878, s. 91.

1891, s. 29.

The foundation of all proceedings is an "information," which is a written statement of the offence charged. The description of any offence in the words of the Acts, or of any order creating the offence, is sufficient in law. No exception, exemption, or qualification accompanying the description of the offence need be specified or negatived. It is sufficient to describe the factory or workshop as a factory or workshop "within the meaning of the Factory and Workshop Acts, 1878 to 1895." The occupier may be described by the usual title of the firm, or by the name of the ostensible occupier employing the persons in the factory or workshop. The information must be laid within three months after the date at which the offence came to the knowledge of the inspector for the district; or if an inquest is held in relation to the offence, then within two months after the close of such inquest, but no information may be laid after the expiration of six months from the commission of the offence.

After the information is laid a summons is issued by the justices stating shortly the matter of such information, and requiring the person charged, or against whom relief is sought, to appear before the justices at a certain time and place. The summons.

No objection is allowed to the information or summons for any defect of substance or form, but if the person charged is misled by such defect the case may be adjourned to some future day, nor may any conviction or order be quashed for want of form. No objection to form.
11 & 12 Vict.
c. 43. s. 1.

Unless otherwise provided in any particular case fines recovered are paid into the Exchequer. Disposition of fines.
1878, s. 89.

If any person feels aggrieved by any conviction or order made by a court of summary jurisdiction, he may appeal therefrom to the next practicable court of general or quarter sessions having jurisdiction in the county, borough, or place for which the court of summary jurisdiction acted, which is held not less than 15 days after the day of the decision complained of. The appellant must, within seven days of such decision, serve a notice of his intention to appeal and of the general grounds of such appeal, on the other party and on the clerk of the court of summary jurisdiction. Each of these notices must be in writing signed by the appellant, or his agent, and may be sent by post by registered letter, in which case it is deemed to be served at the time when it would be delivered in the ordinary course of the post. Within three days of the day on which these notices are served, the appellant must enter into a recognizance (with or without securities as the court may direct) or give such other security as the court may require, to proceed in due course with the trial of the appeal, and to pay any costs which may be awarded against him. Appeal on question of fact.
42 & 43 Vict.
c. 49. s. 31.

The court which tries the appeal may either confirm, reverse, or modify the decision of the court of summary jurisdiction, or may remit the matter to that court with the opinion of the court of appeal thereon. The court of appeal may also exercise any power which the court of summary jurisdiction might have exercised and make any

order in the matter which appears just. Either party may be ordered to pay such costs as the court of appeal shall think fit.

Appeal by
special case
on question
of law.
42 & 43 Vict.
c. 49. s. 33.

If a party to any proceedings is dissatisfied with the decision of a court of summary jurisdiction on the ground that it is erroneous in point of law, or is in excess of jurisdiction, he may apply to the justices to state a special case for the opinion of the High Court. If the justices refuse to do this the High Court has power to order a case to be stated. This "case" is a document which sets out the facts of the case as found by the justices (with which finding the High Court will not interfere) and the grounds on which the decision is questioned.

Rule 18 of
July 16, 1886.

1878, s. 91.

The application to state a case must be made and the case stated within seven days of the giving of the decision objected to. Except for the purpose of a special case, no conviction or order of a court of summary jurisdiction, against which there is a right of appeal, may be removed by *certiorari* into a superior court.

Accused may
give evidence.
1895, s. 49.

A person charged with any offence under these Acts is allowed, if he thinks fit, to give evidence on his own behalf.

Presumption
as to employ-
ment.

1878, s. 92.
1891, s. 30.

Any person found in a factory or workshop is presumed until the contrary be proved to be a person employed in that factory or workshop, unless such person is so found at meal times, or (in a factory) while all the machinery is stopped, or while bringing food to a person employed between four and five o'clock in the afternoon. Yards, playgrounds, or other places open to public view are not however, to be considered as parts of a factory or workshop within this rule; nor are schoolrooms, waiting rooms, or other rooms in which no machinery is used or manufacturing process carried on.

Proof of age.
1878, s. 92.

Whenever the court is of opinion that any child or young person is of the age alleged by the informant, the burden is on the defendant to prove that such child or young person is not of that age. A written declaration by a certifying surgeon, that any person whom he has examined is in his opinion under the age stated in the declaration, is admissible as evidence of that person's age.

A previous conviction for any offence under the Acts is proved by the production of a copy of the conviction certified under the hand of the clerk of the peace to be a true copy. Every clerk of the peace who has the custody of any such conviction is bound to deliver such copy to an inspector, on request in writing being made, and a fee of one shilling paid.

Proof of previous conviction.
1878, s. 92.

Special Rules may be proved by the production of a copy certified under the hand of an inspector to be a true copy.

Proof of special rules.
1891, s. 12.

Where the occupier of a factory or workshop is charged with an offence, and he alleges that some other person than himself is really in fault, he may lay an information against that other person, and cause him to be brought before the court when the charge is being heard. Then when the offence is proved, the occupier is at liberty to prove, if he can, that he used all due diligence in the matter in question, and that the person charged by him committed the offence without his knowledge, consent, or connivance. If this is proved to the satisfaction of the court, the person charged by the occupier may be convicted, and the occupier exempted from any fine. The other person when convicted, may also be ordered in the discretion of the court to pay any costs of the proceedings.

Occupier may shift responsibility.
1878, s. 87.

1895, s. 50.

PENALTIES.

In case of offences against the Acts the person generally liable is the occupier of the factory or workshop where the offence is committed. But in tenement factories the owner is, for the purpose of certain provisions of the Acts, substituted for the occupier, and in case of breach of these provisions he is liable to the penalty. And in all cases where the offence for which the occupier is liable has in fact been committed by some other person, that other person is liable to the same penalty as if he were the occupier. Where the occupier is charged with an offence, he may have any other person whom he charges as the actual offender brought before the court, and if he

Person liable to penalties.

1895, s. 24.

1878, s. 86.

1878, s. 87.

establishes the other person's guilt and his own absolute freedom from fault, the other person is liable to the penalty and the occupier is exempt.

Cumulative
fines.
1878, s. 88.

In case of repetition of an offence, a person is not liable to a larger amount of fines than the maximum fixed by the Acts, except in two cases,—

- (1) where the repetition occurs after an information has been laid for the offence ; and
- (2) where the offence consists of employment of two or more persons contrary to the provisions of the Act of 1878.

Penal com-
pensation.
1878, s. 82.

Where any person is killed, or suffers bodily injury, or injury to health, in consequence of the occupier having neglected to observe any provision of the Acts, or any Special Rule or Requirement under the Act of 1891, the occupier is liable to a fine not exceeding 100*l.*, the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise, as the Secretary of State determines.

A large number of offences against the Acts are grouped together under the general description of "not keeping a factory or workshop in conformity with the Act of 1878." A second large group is described by the title of "employment contrary to the provisions of the Act of 1878." In each group the penalties applying to the various offences comprised in it are the same. The various offences against the Acts, and their penalties, are arranged below in three divisions, the first consisting of the former group, the second of the latter group, and the third of miscellaneous offences.

A.—Not keeping Premises in conformity with the Act.

Amount of
penalties.
1878, s. 81.

The penalty for each of these offences is a fine not exceeding **£10**. The court may also order the factory or workshop to be brought into conformity with the Act within a certain time, and if the order is disobeyed there may be a further penalty of a fine not exceeding **£1** per day during non-compliance. In case of a second or

1891, s. 28.

subsequent conviction within two years from the last conviction for the same offence, there is a minimum penalty of **£1** for each offence.

Offences against Sanitary Provisions.

- | | |
|--|--------------|
| 1. Breach of sanitary provisions in a factory. | 1878, s. |
| 2. Neglect to limewash a factory. | 1878, s. 33. |
| 3. Neglect to limewash a bakehouse which is a factory. | 1878, s. 34. |
| 4. Neglect to provide mechanical means of ventilation. | 1878, s. 36. |
| 5. Neglect to provide sanitary conveniences. | 1895, s. 35. |
| 6. Neglect to provide lavatories (where poisonous substance is used). | 1895, s. 30. |
| 7. Neglect to maintain a reasonable temperature. | 1895, s. 32. |
| 8. Neglect to take precautions in wet-spinning. | 1878, s. 37. |
| 9. Neglect to observe conditions of special exception, if they relate to sanitary matters. | 1878, s. 66. |
| 10. Use of underground bakehouse (if not used before 1896). | 1895, s. 27. |
| 11. Breach of special regulations in laundry. | 1895, s. 22. |

Offences against Provisions for Safety.

- | | |
|--|--------------|
| 1. Neglect to fence or maintain fencing. | 1878, s. 5. |
| 2. Breach of regulation as to position of self-acting machine. | 1895, s. 9. |
| 3. Fastening doors improperly. | 1895, s. 10. |
| 4. Constructing doors improperly in new factory or workshop. | 1895, s. 10. |
| 5. Neglect to provide for escape from fire in new factory or workshop. | 1891, s. 7. |
| 6. Breach of rules for a cutlery tenement factory. | 1895, s. 25. |
| 7. Breach of special requirement under the Act of 1891. | 1891, s. 9. |

B.—Employment contrary to the Act.

The penalty for each of these offences is, in an ordinary factory or workshop, a fine not exceeding **£3** for employment by day, or **£5** for employment by night. The penalty in a "domestic" factory or workshop is a fine not

Amount of penalties.
1878, s. 83.

- 1891, s. 28. exceeding £1 for employment by day, or £2 for employment by night. The penalty may be imposed in respect of each child, young person, or woman wrongfully employed. In case of a second or subsequent conviction within two years from the last conviction for the same offence, there is a minimum penalty of £1 for each offence.

Employment generally prohibited.

- 1891, s. 18. 1. Employment of child under 11.
 1891, s. 17. 2. Employment of woman within a month of childbirth.
 1878, s. 38. 3. Employment of child or young person in prohibited process.
 1878, s. 21. 4. Employment on Sunday (where not specially allowed).
 1878, s. 10. 5. Employment in factory or workshop outside authorised period.
 1895, s. 22. 6. Employment in laundry outside authorised period.
 1878, s. 22. 7. Employment on a holiday.

Employment during Meal Times.

- 1878, ss. 11-16. 1. Not allowing proper time for meals.
 1878, ss. 11-16. 2. Continuous employment without a meal for more than 4½ or 5 hours.
 1878, s. 17. 3. Employing, or allowing to be, on premises during meal times while work is going on.
 1878, s. 39. 4. Allowing to take meals or remain during meal times in prohibited places.

Employment connected with Machinery.

- 1878, s. 9. 1. Illegal employment in cleaning machinery.
 1878, s. 9. 2. Illegal employment about machinery.

Other Offences.

- 1895, s. 16. 1. Employment inside and outside factory or workshop (when specially prohibited).
 1878, s. 66. 2. Neglect to observe conditions of special exception, if they do not relate to sanitary matters.

- | | |
|---|--------------|
| 3. Employment without certificate of school attendance. | 1878, s. 24. |
| 4. Employment without certificate of fitness. | 1878, s. 27. |

C.—Miscellaneous Offences.

The maximum penalty for each of these offences is given below opposite to the offence. There is, with a few exceptions specially noted, no minimum penalty for these offences on a second or subsequent conviction.

Non-compliance with Orders.

- | | | | | | |
|---|---|---|---------------|--------------------|--------------|
| 1. Order of court prohibiting use of dangerous premises | - | - | } £2 per day. | 1895, s. 2. | |
| 2. Order of court prohibiting use of dangerous machine | - | - | - | } £2 per day. | 1895, s. 4. |
| 3. Order of court to provide a movable fire escape | - | - | - | } £2 per day. | 1895, s. 10. |
| 4. Order of sanitary authority to provide means of escape from fire | - | - | - | } 20s. per day. | 1891, s. 7. |
| 5. Order of sanitary authority to limewash workshop | - | - | - | } 10s. per day.(a) | 1891, s. 4. |

Omissions relating to Notices, &c.

- | | | | | | | | |
|---|---|---|---|---|-------|--------------|----------------------------|
| 1. Failure to affix abstract or notice | - | - | - | - | } £2. | 1878, s. 78. | |
| 2. Failure to keep register | - | - | - | - | £2. | 1878, s. 77. | |
| 3. Failure to give notice of occupation | - | - | - | - | - | } £5. | 1878, s. 75. |
| 4. Failure to give notice of accident, poisoning, or anthrax | - | - | - | - | - | } £5. | 1895, ss. 18, 29. |
| 5. Failure to keep or produce register of accidents | - | - | - | - | - | } £10. | 1895, s. 20. |
| 6. Failure to keep, produce, or send to inspector, list of outworkers | - | - | - | - | - | } £2. | 1891, s. 27. |
| 7. Failure to exhibit notice required by Shop Hours Act | - | - | - | - | - | } £2. | 55 & 56 Vict. c. 62. s. 4. |

(a) In London, 5*l.* and 10*s.* per day (54 & 55 Vict. c. 76. s. 25).

- 1895, s. 29. 8. Failure by medical practitioner
to give notice of poisoning by lead
phosphorus or arsenic or of anthrax
occurring in a factory or workshop. } £2.

Employment outside Factory or Workshop.

- 1895, s. 5. 1. Employment of outworkers in
unhealthy place - - - } £10.
- 1895, s. 6. 2. Giving out wearing apparel to be
made, &c. in infectious place - - } £10.
- 55 & 56 Vict.
c. 62. s. 5. 3. Employment in shop contrary to
Shop Hour Acts - - - } £1 for each person
employed.

Offences relating to Special Rules.

- 1891, s. 9. 1. Breach of Special Rules - - £2.(a)
- 1891, s. 11. 2. Failure to publish Special Rules £10.
- 1891, s. 11. 3. Pulling down or defacing Special
Rules - - - - - } £5.

Offences relating to Formal Investigations.

- 50 & 51 Vict.
c. 58. s. 45. 1. Disobeying summons or impeding
the investigation - - - } £10.
- 50 & 51 Vict.
c. 58. s. 45. 2. Failure to produce document - £10 per day

Offences by Parents.

- 1878, s. 84. 1. Allowing employment of child
or young person contrary to the Act - } £1.
- 1878, s. 84. 2. Neglect to cause child to attend
school - - - - - } £1.

Other Offences.

- 1878, s. 22. 1. Neglect to fix holidays - - £5.
- 38 & 39 Vict.
c. 55. s. 38. 2. Failure to provide sanitary con-
veniences in workshops after notice
from the local authority - - } £20, and £2 per
day during de-
fault.
- 1878, s. 35. 3. Using or letting sleeping place
in bakehouse (except under certain
conditions) - - - - } £1 for first offence,
£5 for subse-
quent offence.

(a) The person breaking the rule is liable to this fine, and the occupier, unless free from all fault, is also liable to a fine not exceeding 10*l*.

4. Using or letting bakehouse where sanitary regulations are not observed - - - -	} £2, and 5s. per day after conviction.	1883, s. 15.
5. Carrying on white lead factory without certificate - - - -	} £2 per day.	1883, s. 6.
6. Breach of Cotton Cloth Factory Act after notice - - - -	{ For first offence, 52 & 53 Vict. minimum £5 ; c. 62, s. 13. maximum, £10 ; for second offence, minimum £10 ; maximum £20.	
7. Obstruction of inspector -	£5(a).	1878, s. 68.
8. Fraud in connexion with cer- tificate, entry, or declaration	{ £20, or three months' imprison- ment.	1878, s. 85.
9. Employment in breach of the Elementary Education Act, 1876 -	} £2.	39 & 40 Vict. c. 79, s. 6.
10. Contract or payment contrary to the 'Truck Acts - - - -	{ For first offence, maximum £10 ; for second offence, minimum £10, maximum £20 ; 1 & 2 Wm. 4. c. 37, s. 9. for third offence, fine at discretion not exceeding £100.(b)	

(a) If this offence is committed in an ordinary factory or workshop, the occupier is liable to a maximum fine not exceeding 5*l.*, or if the offence is committed at night, not exceeding 20*l.* For a "domestic" factory or workshop, the corresponding figures are 1*l.* and 5*l.*

(b) This third offence is a misdemeanor.

PART II.

THE ACTS, WITH NOTES.

NOTE ON REFERENCES.

The four Factory and Workshop Acts of 1878, 1883, 1891, and 1895, are quoted by their year only, followed by the number of the section referred to.

FACTORY AND WORKSHOP ACT, 1878.

[41 VICT. CH. 16.]

ARRANGEMENT OF SECTIONS.

Preliminary.

Section.

1. Short title.
2. Commencement of Act.

PART I.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) *Sanitary Provisions.*

3. Sanitary condition of factory and workshop.
4. Notice by inspector to sanitary authority of sanitary defects in factory or workshop.

(2.) *Safety.*

5. Fencing of certain machinery.
6. Fencing of other dangerous machinery of which notice is given by inspector.
7. Fencing of dangerous vats or structures of which notice is given by inspector.
8. Fixing of grindstones securely and replacing of faulty grindstone when notice is given by inspector.
9. Restriction on cleaning of machinery while in motion, or working between parts of self-acting machinery.

(3.) *Employment and Meal Hours.*

10. Period of employment of children, young persons, and women.
11. Period of employment, &c. for young persons and women in a textile factory.
12. Period of employment for children in textile factory.
13. Period of employment, &c. for young persons and women in a non-textile factory, and for young persons in workshop.
14. Period of employment for children in non-textile factory and workshop.
15. Period of employment, time for meals, and length of continuous employment for women in workshop.
16. Period of employment and time for meals for children and young persons in domestic workshop.
17. Meal times to be simultaneous, and employment during meal times forbidden.
18. Regulations as to period of employment on Saturday of young persons or women employed only eight hours a day.

Section.

19. Notice fixing period of employment, hours of meals, and mode of employment of children.
20. Prohibition of employment of children under ten.
21. Prohibition of employment of children, young persons, and women on Sunday.

(4.) Holidays.

22. Days to be observed as holidays, and half holidays to be allowed in factories and workshops.

(5.) Education of Children.

23. Attendance at school of children employed in a factory or workshop.
24. Obtaining of school attendance certificate by occupier of factory or workshop.
25. Payment by occupier on application of sum for schooling of child, and deduction of it from wages.
26. Employment as young person of child of 13 on obtaining an educational certificate.

(6.) Certificates of Fitness for Employment.

27. Certificate of fitness for employment of children and young persons under 16 in factories.
28. Certificate of fitness for employment of children and young persons under 16 in workshops.
29. Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.
30. Supplemental provisions as to certificates of fitness for employment.

(7.) Accidents.

31. Notice of accidents causing death or bodily injury.
32. Investigation of and report on accidents by certifying surgeon.

 PART II.

 SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACTORIES
AND WORKSHOPS.
(1.) Special Provisions for Health in certain Factories and Workshops.

33. Limewashing and washing of the interior of factories and workshops.
34. Limewashing, painting, and washing of the interior of bakehouses.
35. Provision as to sleeping places near bakehouses.
36. Provision as to ventilation by fan in factories and workshops.
37. Protection of workers in wet-spinning.

(2.) Special Restrictions as to Employment, Meals, and Certificates of Fitness.

38. Prohibition of employment of children and young persons in certain factories or workshops.

Section.

- 39. Prohibition of taking meals in certain parts of factories and workshops.
- 40. In print works and bleaching and dyeing works, period of employment and times allowed for meals.
- 41. Power to require certificates of fitness for employment of children and young persons under 16 in certain workshops.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*

- 42. Period of employment between 8 a.m. and 8 p.m. in certain cases.
- 43. Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.
- 44. Power of working male young persons above 16 in lace factories.
- 45. Power of working male young persons above 16 in bakehouses.
- 46. Substitution by Secretary of State of another half holiday for Saturday.
- 47. Employment in Turkey red dyeing on Saturday up to 4.30 p.m.
- 48. Continuous employment of children, young persons, and women in certain cases.
- 49. Giving half holidays and holidays on different days to different sets of children, young persons, and women.
- 50. Employment of young persons and women by Jewish occupiers of factories or workshops.
- 51. Employment of Jews by Jews on Sunday.

(b.) *Meal Hours.*

- 52. Exception as to meal times being simultaneous, and as to employment or remaining in room where manufacturing process is carried on during meal times.

(c.) *Overtime.*

- 53. Power to employ young persons and women for 14 hours a day.
- 54. Power to employ for half an hour after end of work where process is in an incomplete state.
- 55. Employment of young persons, &c. in Turkey red dyeing and open-air bleaching.
- 56. Employment of women for 14 hours a day to preserve perishable articles.
- 57. Exception for factories driven by water power.

(d.) *Nightwork.*

- 58. Employment of male young persons at night.
- 59. Employment in certain letter-press printing works of male young persons of 16 at night.
- 60. Employment of male young persons in glass works.

(4.) *Special Exception for Domestic and certain other Factories and Workshops.*

- 61. Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.

Section.

62. Exception for certain descriptions of flax scutch mills from certain provisions of Act.

(5.) *Supplemental as to Special Provisions.*

63. Requirement of sanitary provisions as condition of special exceptions.
 64. Power to rescind order granting or extending exception.
 65. Provisions as to order of Secretary of State.
 66. Provisions as to occupier availing himself of special exceptions, and registry of work under them.

PART III.

ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

(1.) *Inspection.*

67. Appointment, payment, &c. of inspectors of factories, and clerks and servants.
 68. Powers of inspectors.
 69. Restriction on entry of inspector into dwellings.
 70. Certificates of appointment of inspectors.

(2.) *Certifying Surgeons.*

71. Poor law medical officers to act where no certifying surgeon within three miles.
 72. Appointment of certifying surgeons.
 73. Regulations as to the grant of certificates of fitness.
 74. Fees of certifying surgeons for examination of children and young persons.

(3.) *Miscellaneous.*

75. Notice of factory to be given to inspector.
 76. Regulation of hours by public clock.
 77. Registers to be kept in a factory or workshop.
 78. Affixing in factory or workshop of abstract of Act and notices.
 79. Printing or writing and service of notices and documents, &c.
 80. Inspection of weights and measures used in factories and workshops.

(4.) *Fines.*

81. Fine for not keeping factory or workshop in conformity with Act.
 82. Penal compensation to person injured by want of fence to machinery, &c.
 83. Fine for employing children, young persons, and women contrary to the Act.
 84. Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.
 85. Forgery of certificates, false entries and declarations.
 86. Fine on person committing offence for which occupier is liable.
 87. Power of occupier to exempt himself from fine on conviction of the actual offender.
 88. Restraint on cumulative fines.

Section.

(5.) Legal Proceedings.

- 89. Prosecution of offences and recovery and application of fines.
- 90. Appeal to quarter sessions.
- 91. Limitation of time and general provisions as to summary proceedings.
- 92. Evidence in summary proceedings.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND,
AND REPEAL.*(1.) Definitions.*

- 93. Factories and workshops to which Act applies.
- 94. Definition of employment and working for hire.
- 95. Definition of "certified efficient school;" "recognised efficient school."
- 96. General Definitions. "Child." "Young person." "Woman." "Parent." "Treasury." "Secretary of State." "Education Department." "Sanitary authority." "Person." "Week." "Night." "Prescribed." "Summary Jurisdiction Acts." "Court of summary jurisdiction." "Mill-gearing."

Special exemption of certain Trades.

- 97. Exemption of handicrafts in Fifth Schedule in private houses.
- 98. Exemption of certain home-work.

(2.) Savings.

- 99. Saving as to liability of hirer of machine where not occupier.
- 100. Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.
- 101. Application to factories and workshops of 38 & 39 Vict. c. 55.
- 102. Construction of enactments, &c. referring to repealed Acts.

(3.) Application of Act to Scotland and Ireland.

- 103. Temporary saving for employment of children under 10 and children over 13 in Scotland and Ireland.
- 104. Certificates of birth for purposes of Act.
- 105. Application of Act to Scotland.
- 106. Application of Act to Ireland.

(4.) Repeal.

- 107. Repeal of Acts.

SCHEDULES.

FIRST SCHEDULE.

SPECIAL PROVISIONS FOR HEALTH.

Factories and Workshops in which the Employment of Young Persons and Children is restricted.

- 1. Restriction of employment of young persons and children;
- 2. Of children, &c. in glass works;

3. Of girls under 16 in certain employments ;
4. Of children in metal grinding and lucifer-match dipping ;
5. Of child under 11 in dry grinding, &c.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

Places forbidden for Meals.

As to parts of factories or workshops in which children, young persons, and women are forbidden to take meals.

THIRD SCHEDULE.

SPECIAL EXCEPTIONS.

PART ONE.

Period of Employment.

Employment of children, young persons, and women between 8 a.m. and 8 p.m. in certain trades.

PART TWO.

Meal Hours.

Cases in which provisions as to meal times are not to apply.

PART THREE.

Overtime.

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

PART FOUR.

Additional Half Hour.

Factories in which a child, young person, or woman may be employed for an additional half hour.

PART FIVE.

Overtime for Perishable Articles.

Factories and workshops in which women may be employed for 14 hours a day.

PART SIX.

Night Work.

Factories in which male young persons may be employed at night.

PART SEVEN.

Spell.

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

FOURTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

PART ONE.

Non-textile Factories.

“ Print works.” “ Bleaching and dyeing works.” “ Earthenware works.”
 “ Lucifer-match works.” “ Percussion-cap works.” “ Cartridge works.”
 “ Paper-staining works.” “ Fustian-cutting works.” “ Blast furnaces.”

“Copper mills.” “Iron mills.” “Foundries.” “Metal and india-rubber works.” “Paper mills.” “Glass works.” “Tobacco factories.” “Letter-press printing works.” “Bookbinding works.” “Flax scutch mills.”

PART TWO.

Non-textile Factories and Workshops.

“Hat works.” “Rope works.” “Bakehouses.” “Lace warehouses.”
“Shipbuilding yards.” “Quarries.” “Pit-banks.”

FIFTH SCHEDULE.

SPECIAL EXEMPTIONS.

Straw plaiting. Pillow-lace making. Glove making.

SIXTH SCHEDULE.

Acts repealed.



FACTORY AND WORKSHOP ACT, 1878.

AN Act to consolidate and amend the Law relating to Factories and Workshops.

Preliminary.

Short title.

1. This Act may be cited as the Factory and Workshop Act, 1878.

[2. *Commencement of Act. Repealed by 57 & 58 Vict. c. 56.*]

PART I.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

(1.) *Sanitary Provisions.*

Sanitary condition of factory and workshop.

3. A factory [*and a workshop*](a) shall be kept in a cleanly state and free from effluvia arising from any drain [*privy*](b), or other nuisance.

A factory [*or workshop*] shall not be so overcrowded(c) while work is carried on therein as to be [*injurious to the health of the persons employed therein*](d), and shall be ventilated(e) in such a manner as

(a) The words “and a workshop” and “or workshop” in this section are repealed (1891 sched. 2). S. 3 of the Act of 1891 provides that this section and s. 33 shall cease to apply to workshops. The result is that the sanitary condition of workshops is now regulated by the Public Health Acts. The requirements of those Acts are almost the same as those of the Factory Acts with regard to the sanitary condition of factories. (*See 38 & 39 Vict. c. 55. s. 91 subs. (6), supplemented by 1891 s. 4 subs. (1); and for London 54 & 55 Vict. c. 76. s. 2 subs. (1) (g).*) The only difference is that, while limewashing is compulsory in factories (1878 s. 33), it is not necessary in workshops unless specially required by the sanitary authority (1891 s. 4 subs. (2); and for London 54 & 55 Vict. c. 76. s. 25). But the authority enforcing the law for workshops is the sanitary authority, not the factory inspector. There are, however, two cases in which it is the duty of the factory inspector to supervise the sanitary condition of workshops; first, where he himself notices default in a particular case, and the sanitary authority fail to act on his representation (1878 s. 4 : 1891 s. 2); secondly, where the Secretary of State, in case of general default, makes an order directing him to take action independently of the sanitary authority. Further, the new sanitary provisions of the Act of 1895, relating to lavatories (s. 30), temperature (s. 32), and sanitary conveniences (s. 35), are enforced by the factory inspector in workshops as well as in factories.

(b) For “privy,” the words “watercloset, earthcloset, privy, urinal” are now substituted (1891 s. 5).

(c) A minimum space is now required of 250 feet for each person employed, or during overtime of 400 feet. The Secretary of State may modify this proportion during the use of artificial light, and may require a larger space to be allowed in particular cases (1895 s. 1).

(d) For these words, the words “dangerous or injurious to the health of the persons employed therein” are now substituted (1891 s. 5).

(e) For cases in which ventilation by means of a fan is required, *see* 1878 s. 36, and 1895 s. 33.

to render harmless, so far as is practicable, all the gases, vapours, dust, or other impurities generated in the course of the manufacturing process or handicraft carried on therein that may be injurious to health.

A factory [*or workshop*] in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

4. Where it appears to an inspector under this Act that any act, neglect, or default in relation to any drain, watercloset, earthcloset, privy, ashpit, water-supply, nuisance, or other matter in a factory or workshop(*a*) is punishable or remediable under the law relating to public health, but not under this Act, that inspector shall give notice in writing of such act, neglect, or default to the sanitary authority(*b*) in whose district the factory or workshop is situate, and it shall be the duty of the sanitary authority to make such inquiry into the subject of the notice, and take such action thereon, as to that authority may seem proper for the purpose of enforcing the law.*(c)*

Notice by
inspector to
sanitary
authority of
sanitary defects
in factory or
workshop.

An inspector under this Act may, for the purposes of this section, take with him into a factory or a workshop a medical officer of health, inspector of nuisances, or other officer of the sanitary authority.

(2.) *Safety.*

5. With respect to the fencing of machinery in a factory the following provisions shall have effect:

Fencing of
certain
machinery.

- (1.) Every hoist or teagle [*near to which any person is liable to pass or to be employed*],(*d*) and every fly-wheel directly connected with the steam or water or other mechanical power, whether in the engine house or not, and every part of [*a steam engine and water wheel*],(*e*) shall be securely fenced; and
- (2.) Every wheel-race not otherwise secured shall be securely fenced close to the edge of the wheel-race; and

(*a*) This section applies to workshops conducted on the system of not employing any child, young person, or woman therein, and to laundries (1891 s. 2 subs. (1)).

(*b*) "Sanitary authority" defined, 1878 s. 96.

(*c*) Where notice is given under this section to a sanitary authority, it is the duty of the sanitary authority to inform the inspector of the proceedings taken in consequence of the notice (1895 s. 3 subs. (1)). Where proceedings are not taken by the sanitary authority within a month to punish or remedy the act, neglect, or default, the inspector may take such proceedings as the sanitary authority might have taken, and recover the expense of the proceedings from the sanitary authority (1891 s. 2 subs. (2)).

(*d*) These words are now repealed (1891 s. 6 subs. (1)).

(*e*) For these words there are now substituted the words "any water-wheel or engine worked by any such power" (1895 s. 7 subs. (1)).

(3.) (a) Every part of the mill gearing (b) shall either be securely fenced or be in such position or of such construction as to be equally safe to every person employed (c) in the factory as it would be if it were securely fenced ; (d) and

(4.) All fencing shall be constantly maintained in an efficient state while the parts required to be fenced are in motion or use [for the purpose of any manufacturing process]. (e)

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

[6. Fencing of dangerous machinery. 7. Fencing of dangerous vats or structures. 8. Fixing of grindstones. Repealed by 1891 sched. 2.]

Restriction on
cleaning of
machinery
while in motion
or working
between parts
of self-acting
machinery.

9. A child shall not be allowed to clean any part of the machinery in a factory while the same is in motion by the aid of steam, water, or other mechanical power. (f)

A young person or woman shall not be allowed to clean such part of the machinery in a factory as is mill-gearing (b) while the same is in motion for the purpose of propelling any part of the manufacturing machinery.

A child, young person, or women shall not be allowed to work between the fixed and traversing part of any self-acting machine while the machine is in motion by the action of steam, water, or other mechanical power.

A child, young person, or woman allowed to clean or to work in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

(a) At the beginning of this paragraph the words " All dangerous parts of the machinery and " are now inserted (1891 s. 6 subs. (2)). These new words apply to machinery other than mill gearing, i.e., to the industrial part of the machinery as distinct from the part by which power is transmitted. The effect of the new words is that the power of determining what machinery of this class is dangerous, which formerly (under s. 6 of the Act of 1878, now repealed) might be settled by arbitration, is now transferred to the magistrate (*Redgrave v. Lloyd*, 11 Times L.R. 326).

(b) " Mill gearing " defined, 1878 s. 96.

(c) After " employed " the words " or working " are now inserted (1895 s. 7 subs. (2)).

(d) Under paragraph (3) machinery need not be fenced if its position construction is such that there is no danger. Paragraphs (1) and (2), on the other hand, impose an absolute duty of fencing. Where such a duty is imposed, if machinery is left unfenced it is no answer that its position is such that there is no danger (*Doel v. Sheppard*, 5 E. & B. 856 : 25 L.J. Q.B. 124).

(e) For these words there are now substituted the words " except where " the parts are under repair or under examination in connexion with repair, " or are necessarily exposed for the purpose of cleaning or lubricating, or " for altering the gearing or arrangements of the parts of the machines " (1895 s. 7 subs. (3)). The effect of the new words substituted is to define the cases in which fencing may be temporarily removed. For a case in which fencing was removed for repairs, and the occupier was held not liable for an accident which resulted, see *Coe v. Platt*, 6 Ex. 752.

(f) This paragraph now applies, so far as the dangerous parts of machinery are concerned, to young persons as well as children. It is presumed, until the contrary is proved, that such parts of machinery are dangerous as are so notified by the inspector to the occupier (1895 s. 8).

(3.) *Employment and Meal Hours.*

10. A child, young person, or woman^(a) shall not be employed in a factory or a workshop except during the period of employment herein-after mentioned.

Period of employment of children, young persons, and women.

11. With respect to the employment of young persons and women in a textile factory^(b) the following regulations shall be observed:

Period of employment, &c. for young persons and women in a textile factory.

(1.) The period of employment, except on Saturday, shall either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and

(2.) The period of employment on Saturday shall begin either at six o'clock or at seven o'clock in the morning; and

(3.) Where the period of employment on Saturday begins at six o'clock in the morning, that period—

(a.) If not less than one hour is allowed for meals, shall end at one o'clock in the afternoon as regards employment in any manufacturing process, and at half-past one o'clock in the afternoon as regards employment for any purpose whatever; and

(b.) If less than one hour is allowed for meals, shall end at half-an-hour after noon as regards employment in any manufacturing process, and at one o'clock in the afternoon as regards employment for any purpose whatever; and

(4.) Where the period of employment on Saturday begins at seven o'clock in the morning, that period shall end at half-past one o'clock in the afternoon as regards any manufacturing process, and at two o'clock in the afternoon as regards employment for any purpose whatever; and

(5.) There shall be allowed for meals during the said period of employment in the factory—

(a.) on every day except Saturday not less than two hours, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and

(b.) on Saturday not less than half-an-hour; and

(6.) A young person or woman shall not be employed continuously for more than four hours and a half, without an interval of at least half-an-hour for a meal.^(c)

(a) The age of a "child" is from 11 to 14, of a "young person" from 14 to 18, of a "woman" 18 and upwards (1878 s. 96).

(b) "Textile factory" defined, 1878 s. 93. These regulations and those of s. 12 apply to print works and bleaching and dyeing works (as well as to textile factories), except that in those works there may be 5 hours of continuous work without a meal, instead of $4\frac{1}{2}$ as fixed by regulation (6) (1878 s. 40).

(c) In some textile factories 5 hours continuous work without a meal is allowed, as in non-textile factories (1878 s. 48 and sched. 3 part 7).

Period of employment for children in textile factory.

12. With respect to the employment of children in a textile factory (a) the following regulations shall be observed :

- (1.) Children shall not be employed except on the system either of employment in morning and afternoon sets, or of employment on alternate days only ; and
- (2.) The period of employment for a child in a morning set shall, except on Saturday, begin at the same hour as if the child were a young person, and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time ; and
- (3.) The period of employment for a child in an afternoon set shall, except on Saturday begin at one o'clock in the afternoon, or at any later hour at which the dinner time terminates, and end at the same hour as if the child were a young person ; (b) and
- (4.) The period of employment for any child on Saturday shall begin and end at the same hour as if the child were a young person ; and
- (5.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be employed on two successive Saturdays, nor on Saturday in any week if on any other day in the same week his period of employment has exceeded five hours and a half ; and
- (6.) When a child is employed on the alternate day system the period of employment for such child and the time allowed for meals shall be the same as if the child were a young person, but the child shall not be employed on two successive days, and shall not be employed on the same day of the week in two successive weeks ; and
- (7.) A child shall not on either system be employed continuously for any longer period than he could be if he were a young person without an interval of at least half-an-hour for a meal.

Period of employment, &c. for young persons and women in non-textile factory, and for young persons in workshop.

13. With respect to the employment of young persons and women in a non-textile factory, and of young persons in a workshop, the following regulations shall be observed :

- (1.) The period of employment, except on Saturday, shall (save as is in this Act specially excepted) either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening (c) ; and

(a) See note (a) on s. 11.

(b) Where the dinner hour in any factory or workshop begins at 2 or later, the afternoon set may begin at noon. If so, the morning set must end at noon (1883 s. 14).

(c) After "evening," the words "or begin at eight o'clock in the morning and end at eight o'clock in the evening" are now inserted (1895 s. 36 subs. (1)). The effect of these new words is that employment from 8 to 8 is now allowed in all non-textile factories and workshops, whereas formerly it

- (2.) The period of employment on Saturday shall (save as is in this Act specially excepted) begin at six o'clock in the morning or at seven o'clock in the morning, and end at two o'clock in the afternoon; (a) and
- (3.) There shall be allowed for meals during the said period of employment in the factory or workshop—
- (a.) on every day except Saturday not less than one hour and a half, of which one hour at the least, either at the same time or at different times, shall be before three o'clock in the afternoon; and
- (b.) on Saturday not less than half-an-hour; and
- (4.) A young person or a woman in a non-textile factory and a young person in a workshop shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

14. With respect to the employment of children in a non-textile factory and a workshop the following regulations shall be observed: Period of employment for children in non-textile factory and workshop.

- (1.) Children shall not be employed except either on the system of employment in morning and afternoon sets, or (in a factory or workshop in which not less than two hours are allowed for meals on every day except Saturday) on the system of employment on alternate days only; and
- (2.) The period of employment for a child in the morning set on every day, including Saturday, shall begin at six or seven o'clock in the morning and end at one o'clock in the afternoon, or, if the dinner time begins before one o'clock, at the beginning of dinner time; and
- (3.) The period of employment for a child in an afternoon set on every day, including Saturday, shall begin at one o'clock in the afternoon, or at any hour later than half-past twelve o'clock at which the dinner time terminates (b) and end on Saturday at two o'clock in the afternoon, and on any other day at six or seven o'clock in the evening, according as the period of employment for children in the morning set began at six or seven o'clock in the morning(c); and
- (4.) A child shall not be employed in two successive periods of seven days in a morning set, nor in two successive periods of seven days in an afternoon set, and a child shall not be

was allowed only in exceptional cases under s. 42. Employment from 9 to 9 is allowed only in exceptional cases by virtue of an Order of the Secretary of State under s. 43.

(a) After "afternoon," there are now inserted the words "or when it begins at seven o'clock in the morning, at three o'clock in the afternoon, or begin at eight o'clock in the morning and end at four o'clock in the afternoon" (1895 s. 36 subs. (2)). The effect of these words is that employment on Saturday from 7 to 3 or from 8 to 4 is now allowed in all non-textile factories and workshops, whereas formerly it was allowed only in exceptional cases under s. 42.

(b) See note (b) on 1878 s. 12.

(c) For children's hours when the period for young persons and women is 8 to 8, see 1895 s. 36 subs. (3).

employed on Saturday in any week in the same set in which he has been employed on any other day of the same week; and

- (5.) When a child is employed on the alternate day system—
- (a.) The period of employment for such child shall, except on Saturday, either begin at six o'clock in the morning and end at six o'clock in the evening, or begin at seven o'clock in the morning and end at seven o'clock in the evening; and
 - (b.) The period of employment for such child shall on Saturday begin at six or seven o'clock in the morning, and end at two o'clock in the afternoon(a); and
 - (c.) There shall be allowed to such child for meals during the said period of employment not less, on any day except Saturday, than two hours, and on Saturday than half-an-hour; but
 - (d.) The child shall not be employed in any manner on two successive days, and shall not be employed on the same day of the week in two successive weeks; and
- (6.) A child shall not on either system be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

Period of employment, time for meals, and length of continuous employment for women in workshop.

15. With respect to the employment of women in workshops, the following regulations shall be observed:

- (1.) In a workshop which is conducted on the system of employing therein children and young persons, or either of them, a woman shall not be employed except during the same period and subject to the same restrictions as if she were a young person; and the regulations of this Act with respect to the employment of young persons in a workshop shall apply accordingly to the employment of women in that workshop; [and
- (2.) *In a workshop which is conducted on the system of not employing therein either children or young persons—*
 - (a.) *The period of employment for a woman shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and*
 - (b.) *There shall be allowed to a woman for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half.*

A workshop shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct his workshop on that system] (b).

(a) For children's hours when the period for young persons and women is 8 to 8, see 1895 s. 36 subs. (3).

(a) The whole of this second paragraph is now repealed (1891 sched. 2). The employment of women in workshops conducted on the system of not employing children or young persons is now regulated by 1891 s. 13. For the alteration effected by that section, see note (b) thereon.

16. Where persons are employed at home, that is to say, in a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used in aid of the manufacturing process carried on there and in which the only persons employed are members of the same family dwelling there (a) the foregoing regulations of this Act with respect to the employment of children, young persons, and women shall not apply to such factory or workshop, and in lieu thereof the following regulations shall be observed therein:

Period of employment and time for meals for children and young persons in domestic workshop.

- (1.) A child or young person shall not be employed in the factory or workshop except during the period of employment hereinafter mentioned; and
- (2.) The period of employment for a young person shall, except on Saturday, begin at six o'clock in the morning and end at nine o'clock in the evening, and shall on Saturday begin at six o'clock in the morning and end at four o'clock in the afternoon; and
- (3.) There shall be allowed to every young person for meals and absence from work during the period of employment not less, except on Saturday, than four hours and a half, and on Saturday than two hours and a half; and
- (4.) The period of employment for a child on every day either shall begin at six o'clock in the morning and end at one o'clock in the afternoon, or shall begin at one o'clock in the afternoon and end at eight o'clock in the evening or on Saturday at four o'clock in the afternoon; and for the purpose of the provisions of this Act respecting education such child shall be deemed, according to circumstances, to be employed in a morning or afternoon set; and
- (5.) A child shall not be employed before the hour of one in the afternoon in the two successive periods of seven days, nor after that hour in two successive periods of seven days, and a child shall not be employed on Saturday in any week before the hour of one in the afternoon, if on any other day in the same week he has been employed before that hour, nor after that hour if on any other day of the same week he has been employed after that hour; and
- (6.) A child shall not be employed continuously for more than five hours without an interval of at least half-an-hour for a meal.

(a) This section applies, it will be observed, to both factories and workshops. The only factories which it can include are those of the factories specified in 1878 sched. 4, part 1, in which no mechanical power is used. The expression "domestic workshop" is sometimes used (as in the marginal heading) to cover both factories and workshops to which this section applies, sometimes (as in 1891 s. 37 subs. (2)) to cover workshops only. Domestic workshops in the wider sense are exempted from some of the provisions of the Acts which apply to ordinary factories and workshops (see 1878 ss. 61 and 66).

Meal times to be simultaneous, and employment during meal times forbidden.

17. With respect to meals the following regulations shall (save as is in this Act specially excepted)(a) be observed in a factory and workshop :

(1.) All children, young persons, and women employed therein shall have the times allowed for meals at the same hour of the day ; and

(2.) A child, young person or woman shall not during any part of the times allowed for meals in the factory or workshop, be employed in the factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is then being carried on.

Regulations as to employment on Saturday of young persons or women employed only eight hours a day.

[18. *The period of employment on Saturday for a young person or woman in a non-textile factory or workshop may be of the same length as on any other day if the period of employment of such young person or woman has not exceeded eight hours on any day of the same week, and if notice has been affixed in the factory or workshop and served on the inspector.*](b)

Notice fixing period of employment, hours of meals, and mode of employment of children.

19. The occupier of a factory or workshop may from time to time fix within the limits allowed by this Act, and shall (save as is in this Act specially excepted) specify in a notice affixed in the factory or workshop, the period of employment, the times allowed for meals, and whether the children are employed on the system of morning and afternoon sets or of alternate days.

The period of employment and the times allowed for meals in the factory or workshop shall be deemed to be the period and the times specified in the notice affixed in the factory or workshop ; and all the children in the factory or workshop shall be employed either on the system of morning and afternoon sets or on the system of alternate days according to the system for the time being specified in such notice.

Provided that a change in such period or times or system of employment shall not be made until after the occupier has served on an inspector and affixed in the factory or workshop notice of his intention to make such change, and shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.

Prohibition of employment of children under ten.

[20. *A child under the age of ten years shall not be employed in a factory or workshop.*](c)

(a) For the exceptional cases in which these regulations are not in force, see 1878 s. 52 and sched. 3 part 2.

(b) For this section, s. 15 of the Act of 1891 substitutes a new section, authorising Saturday employment, in the cases to which it applies, from 6 a.m. to 4 p.m., with an interval of two hours for meals.

(c) This section is repealed by 57 & 58 Vict. c. 56. The minimum age is now 11 (1891 s. 18).

21. A child, young person, or woman shall not (save as is in this Act specially excepted)(a) be employed on Sunday in a factory or workshop.

Prohibition of employment of children, young persons, and women on Sunday.

(4.) *Holidays.*

22. The occupier of a factory or of a workshop shall (save as is in this Act specially excepted) allow to every child, young person, and woman employed therein the following holidays; that is to say,

Days to be observed as holidays, and half holidays, to be allowed in factories and workshops.

[(1.) The whole of Christmas Day, and the whole either of Good Friday or, if it is so specified by the occupier in the notice affixed in the factory or workshop, of the next public holiday under the Holidays Extension Act, 1875; and in addition

33 & 39 Vict. c. 13.

(2.) Eight half holidays in every year, but a whole holiday may be allowed in lieu of any two such half holidays; and](b)

(3.) At least half of the said half holidays or whole holidays shall be allowed between the fifteenth day of March and the first day of October in every year; and

[(4.) *Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop for at least the whole period of employment of young persons and women on the last previous work day but one; and](c)*

(5.) A half holiday shall comprise at least one half of the period of employment for young persons and women on some day other than Saturday.

A child, young person, or woman who—

(a.) On a whole holiday fixed by or in pursuance of this section for a factory or workshop is employed in the factory or workshop, or

(a) The special exceptions referred to are those relating to Jews, who, as far as concerns young persons and women (but not children) of their own religion in their employment, may substitute Saturday for Sunday (1878 s. 51) and to the employment of male young persons at night (1878 s. 58).

(b) These two paragraphs are not repealed, but s. 17 of the Act of 1895 substitutes a new arrangement of holidays for England and Wales. The compulsory holidays now are Christmas Day, Good Friday, and the four bank holidays. But for any of those holidays, except Christmas Day, another holiday or two half holidays may be substituted, if notice of the substitution is affixed on the premises, and a copy forwarded to the inspector, as provided by s. 16 of the Act of 1891 (*see note (c) below*). If there is no substitution, no notice need be affixed or sent to the inspector. (*See 1895 s. 17.*) The whole object and effect of this change is to make it unnecessary to affix or send a notice when the ordinary holidays are allowed. For holidays in Scotland, *see 1891 s. 33 paragraph (4)*; in Ireland, 1891 s. 34.

(c) For this paragraph, a new paragraph is substituted by s. 16 of the Act of 1891, requiring notice of any substitution to be affixed on the premises during the first week of January, and a copy to be sent immediately to the inspector. The substituted holiday may be changed on 14 days' notice, but if there has been no notice during the first week in January the ordinary holidays must be allowed (*see note (b) above*).

(b.) On a half holiday fixed in pursuance of this section for a factory or workshop is employed in the factory or workshop during the portion of the period of employment assigned for such half holiday,
shall be deemed to be employed contrary to the provisions of this Act.(a)

If in a factory or workshop such whole holidays or half holidays as required by this section are not fixed in conformity therewith, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

(5.) *Education of Children.*

Attendances at school of children employed in a factory or workshop.

23. The parent(b) of a child employed in a factory or in a workshop shall cause that child to attend some recognised efficient school(c) (which school may be selected by such parent), as follows: (d)

- (1.) The child, when employed in a morning or afternoon set, shall in every week, during any part of which he is so employed, be caused to attend on each work day for at least one attendance; and
- (2) The child, when employed on the alternate day system, shall on each work day preceding each day of employment in the factory or workshop be caused to attend for at least two attendances;
- (3.) An attendance for the purposes of this section shall be an attendance as defined for the time being by a Secretary of State with the consent of the Education Department(e), and be between the hours of eight in the morning and six in the evening:

Provided that—

- (a.) A child shall not be required by this Act to attend school on Saturday or on any holiday or half holiday allowed under this Act in the factory or workshop in which the child is employed; and

(a) For cases in which it is permitted to give different holidays to different sets of children, young persons, and women employed in a factory or workshop, see 1878 s. 49.

(b) The word "parent includes guardian (1878 s. 96).

(c) For the meaning of "recognised efficient school," see 1878 s. 95.

(d) Where the requirements of byelaws under the Elementary Education Acts, with regard to attendance at school, are larger than the requirements of this section, the question used to arise with regard to a child employed in a factory or workshop, whether the extra requirements of the byelaws can be enforced. This question was answered in the affirmative in *Bury v. Cherryholm*, 1 Ex. D. 457, but in the negative in the later case of *Mellor v. Denham*, 4 Q.B.D. 241: 48 L.J.M.C. 113: 40 L.T. 395: 27 W.R. 505. Both these cases arose out of prosecutions of parents. As far as concerns the duties of employers with regard to the employment of children under 13, it is now provided, by 43 & 44 Vict. c. 23. s. 4, that the requirements of the byelaws prevail.

(e) An attendance is defined as an attendance for instruction in secular subjects for a period of not less than two hours.

(b.) The non-attendance of the child shall be excused on every day on which he is certified by the teacher of the school to have been prevented from attending by sickness or other unavoidable cause, also when the school is closed during the ordinary holidays or for any other temporary cause; and

(c.) Where there is not within the distance of two miles, measured according to the nearest road, from the residence of the child a recognised efficient school which the child can attend, attendance at a school temporarily approved in writing by an inspector under this Act, although not a recognised efficient school, shall for the purposes of this Act be deemed attendance at a recognised efficient school until such recognised efficient school as aforesaid is established, and with a view to such establishment the inspector shall immediately report to the Education Department every case of the approval of a school by him under this section.

A child who has not in any week attended school for all the attendances required by this section shall not be employed in the following week until he has attended school for the deficient number of attendances.

The Education Department shall from time to time, by the publication of lists or by notices or otherwise as they think expedient, provide for giving to all persons interested information of the schools in each school district which are recognised efficient schools.

24. The occupier of a factory or workshop in which a child is employed shall on Monday in every week (after the first week in which such child began to work therein), or on some other day appointed for that purpose by an inspector, obtain from the teacher of the recognised efficient school attended by the child, a certificate (according to the prescribed form and directions) respecting the attendance of such child at school in accordance with this Act.

Obtaining of school attendance certificate by occupier of factory or workshop.

The employment of a child without obtaining such certificate as is required by this section shall be deemed to be employment of a child contrary to the provisions of this Act.(a)

The occupier shall keep every such certificate for two months after the date thereof, if the child so long continues to be employed in his factory or his workshop, and shall produce the same to an inspector when required during that period.

25. The board authority or persons who manage a recognised efficient school attended by a child employed in a factory or workshop, or some person authorised by such board authority or person,

Payment by occupier on application of sum for schooling of child, and deduction of it from wages.

(a) Where the occupier of a brickyard let it to a contractor, retaining no control over the management or work, it was held, under a section corresponding to this, that he was not the employer of a child working under the contractor, so as to be liable for a breach of the section. It was suggested that the contractor might be occupier for the purposes of the section (*Fitten v. Wood*, 32 L.T. 554).

may apply in writing to the occupier of the factory or workshop to pay a weekly sum specified in the application, not exceeding three-pence and not exceeding one-twelfth part of the wages of the child, and after that application the occupier, so long as he employs the child, shall be liable to pay to the applicants, while the child attends their school, the said weekly sum, and the sum may be recovered as a debt, and the occupier may deduct the sum so paid by him from the wages payable for the services of the child.

Employment as young person of child of 13 on obtaining an educational certificate.

26. When a child of the age of thirteen years has obtained from a person authorised by the Education Department a certificate of having attained such standard of proficiency in reading, writing, and arithmetic, or such standard of previous due attendance at a certified efficient school (a) as herein-after mentioned, that child shall be deemed to be a young person for the purposes of this Act.

The standards of proficiency and due attendance for the purposes of this section shall be such as may be from time to time fixed for the purposes of this Act by a Secretary of State, with the consent of the Education Department, and the standards so fixed shall be published in the London Gazette, and shall not have effect until the expiration of at least six months after such publication.(b)

(a) For the meaning of "certified efficient school," see 1878 s. 95.

(b) The standards of proficiency and due attendance, and the persons authorised to grant certificates, are now fixed as follows :—

A. For England and Wales (see Order gazetted August 8 1893).

(1.) The standard of proficiency shall be Standard No. 5, as fixed by the Code of 1893, of reading, writing, and arithmetic, or any higher standard which may be attained by the child.

Certificates of proficiency may be granted by the persons prescribed by Articles 3–8 and 30 of the Code of 1893.

(2.) The standard of previous due attendance shall be 250 attendances (after the child has attained 5 years of age) in not more than two schools during each year for five years, whether consecutive or not.

Certificates of previous due attendance may be granted by the persons prescribed by ss. 10, 11, and 12 of the regulations of the Education Department, dated February 27 1893.

B. For Scotland (see Order gazetted February 28 1879).

(1.) The standard of proficiency shall be the standard of reading, writing, and elementary arithmetic fixed by Standard 5 of the Code of 1878, or any higher standard which may be attained by the child.

(2.) Certificates of proficiency may be granted by the persons prescribed by Articles 113–117 of the Code of 1878, or that may be prescribed by any corresponding Articles of the Code of 1879.

(3.) The standard of previous due attendance shall be 250 attendances after 5 years of age, in not more than two schools during each year, for 5 years, whether consecutive or not.

(4.) Certificates of previous due attendance may be granted—

(a.) In the case of a public school by the Clerk of the School Board having the management of such school, or by any teacher or officer of the Board specially deputed for the purpose by such Board:

(b.) In the case of any other school by the principal teacher of such school.

(5.) A fee not exceeding 6d. may be charged for each certificate of previous due attendance by the person who grants such certificate, being duly authorised in that behalf.

Attendance at a certified day industrial school shall be deemed for the purposes of this section to be attendance at a certified efficient school.

(6.) *Certificates of Fitness for Employment.*

27. In a factory(*a*) a child or a young person under the age of sixteen years shall not be employed for more than seven, or if the certifying surgeon(*b*) for the district resides more than three miles from the factory, thirteen, work days, unless the occupier of the factory has obtained a certificate, in the prescribed form, of the fitness of such child or young person for employment in that factory.

Certificate of fitness for employment of children and young persons under 16 in factories.

A certificate of fitness for employment for the purposes of this Act shall be granted by the certifying surgeon for the district(*c*) and shall be to the effect that he is satisfied, by the production of a certificate of birth(*d*) or other sufficient evidence(*e*) that the person named in the certificate of fitness is of the age therein specified, and has been personally examined by him, and is not incapacitated by

(6.) The terms "Code of 1878" and "Code of 1879" mean respectively the Codes of Minutes of the Scotch Education Department made in the year 1878, and that may be made in the year 1879, with respect to the Parliamentary Grant for Public Education in Scotland.

C. For Ireland (*see* Order gazetted March 4 1879).

(1.) The standard of proficiency shall be the standard in reading, writing, and elementary arithmetic, prescribed by order of the Lord Lieutenant in Council, dated August 11 1876, or any higher standard which may be attained by the child.

The standard fixed by the above order is as follows:—

Reading intelligently any passage from the Fourth Book of Lessons published by the Commissioners, or from a book of equal difficulty:

Writing in small hand eight lines dictated slowly from a reading book, spelling and handwriting to be considered:

Arithmetic consisting of compound rules (money), and reduction of common weights and measures.

(2.) The standard of previous due attendance shall be 200 attendances after a child has attained 5 years of age in not more than two schools during each year for 5 years, whether consecutive or not.

(*a*) It is not necessary to obtain certificates of fitness for employment in workshops. The occupier of a workshop may obtain them if he thinks fit for his own satisfaction (1878 s. 28). The Secretary of State has power to extend to workshops the compulsory requirement of certificates of fitness (1878 s. 41), but he has not at present exercised this power. S. 29 below, by which the inspector can in any particular case require a certificate of capacity, applies both to factories and to workshops.

(*b*) For the appointment, &c. of certifying surgeons, *see* 1878 ss. 71–74.

(*c*) The certifying surgeon, before granting the certificate, must personally examine the child or young person, and generally must make the examination at the place of employment (1878 s. 73).

(*d*) For the meaning of "certificate of birth," *see* 1878 s. 30 second paragraph.

(*e*) The question, what evidence is sufficient, appears to be left to the discretion of the certifying surgeon, subject to the inspector's power to annul the certificate under the third paragraph of s. 30 below.

disease or bodily infirmity for working daily for the time allowed by law in the factory named in the certificate.

Certificate of fitness for employment of children and young persons under 16 in workshops.

28. In order to enable occupiers of workshops to better secure the observance of this Act, and prevent the employment in their workshops of children and young persons under the age of sixteen years who are unfitted for that employment, an occupier of a workshop is hereby authorised to obtain, if he thinks fit, from the certifying surgeon for the district, certificates of the fitness of children and of young persons under the age of sixteen years for employment in his workshop, in like manner as if that workshop were a factory, and the certifying surgeon shall examine the children and young persons, and grant certificates accordingly.

Power of inspector to require surgical certificate of capacity of child or young person under 16 for work.

29. Where an inspector is of opinion that a child or a young person under the age of sixteen years is by disease or bodily infirmity incapacitated for working daily for the time allowed by law in the factory or workshop in which he is employed, he may serve written notice thereof on the occupier of the factory or workshop requiring that the employment of such child or young person be discontinued from the period named therein, not being less than one nor more than seven days after the service of such notice, and the occupier shall not continue after the period named in such notice to employ such child or young person (notwithstanding a certificate of fitness has been previously obtained for such child or young person), unless the certifying surgeon for the district has, after the service of the notice, personally examined such child or young person, and has certified that such child or young person is not so incapacitated as aforesaid.

Supplemental provisions as to certificates of fitness for employment.

30. All factories and workshops in the occupation of the same occupier, and in the district of the same certifying surgeon, or any of them, may be named in the certificate of fitness for employment, if the surgeon is of opinion that he can truly give the certificate for employment therein.

39 & 40 Vict. c. 79.

The certificate of birth^(a) (which may be produced to a certifying surgeon) shall either be a certified copy of the entry in the register of births, kept in pursuance of the Acts relating to the registration of births, of the birth of the child or young person (whether such copy be obtained in pursuance of the Elementary Education Act, 1876, or otherwise), or be a certificate from a local authority within the meaning of the Elementary Education Act, 1876, to the effect that it appears from the returns transmitted to such authority in pursuance of the said Act by the registrar of births and deaths that the child was born at the date named in the certificate.

Where a certificate of fitness for employment is to the effect that the certifying surgeon has been satisfied of the age of a child or young person by evidence other than the production of a certificate

(a) A certificate of birth can be obtained, on payment of a fee of 6d., in the manner specified in 1891 s. 20 (for Scotland and Ireland 1878 s. 104).

of birth, an inspector may, by notice in writing, annul the surgeon's certificate, if he has reasonable cause to believe that the real age of the child or young person named in it is less than that mentioned in the certificate, and thereupon that certificate shall be of no avail for the purposes of this Act.

When a child becomes a young person a fresh certificate of fitness must be obtained.

The occupier shall, when required, produce to an inspector at the factory or workshop in which a child or young person is employed, the certificate of fitness of such child or young person for employment, which he is required to obtain under this Act.

(7.) *Accidents.*

[31. (a) *Where there occurs in a factory or a workshop any accident which either—*

(a.) *causes loss of life to a person employed in the factory or in the workshop, or*

(b.) *causes bodily injury to a person employed in the factory or in the workshop, and is produced either by machinery moved by steam, water, or other mechanical power, or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion, or by escape of gas, steam, or metal, and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident,*(b)

written notice of the accident shall forthwith be sent to the inspector and to the certifying surgeon for the district, stating the residence of the person killed or injured, or the place to which he may have been removed, and if any such notice is not sent the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

If any such accident as aforesaid occurs to a person employed in an iron mill or blast furnace, or other factory or workshop where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

A notice of an accident, of which notice is required by section sixty-three of the Explosives Act, 1875, to be sent to a government inspector, need not be sent to the certifying surgeon in pursuance of this section.]

Notice of accidents causing death or bodily injury.

32. Where a certifying surgeon receives in pursuance of this Act notice of an accident in a factory or a workshop, he shall with the least possible delay proceed to the factory or workshop, and make a

Investigation of and report on accidents by certifying surgeon.¹

(a) This section is repealed by 1895 sched. 3. Ss. 18-21 of the Act of 1895 substitute a new code of regulations relating to notice of accidents, proceedings at inquests, registers of accidents and investigations of accidents.

(b) For the amendment of the last sentence of this paragraph made by the Act of 1891, see s. 22 subs. (1) of that Act.

full investigation as to the nature and cause of the death or injury caused by that accident, and within the next twenty-four hours send to the inspector a report thereof.

The certifying surgeon, for the purpose only of an investigation under this section, shall have the same powers as an inspector, and shall also have power to enter any room in a building to which the person killed or injured has been removed.

There shall be paid to the said surgeon for the investigation such fee, not exceeding ten nor less than three shillings, as a Secretary of State considers reasonable, which fee shall be paid as expenses incurred by a Secretary of State in the execution of this Act.

PART II.

SPECIAL PROVISIONS RELATING TO PARTICULAR CLASSES OF FACTORIES AND WORKSHOPS.

(1.) *Special Provisions for Health in certain Factories and Workshops.*

Limewashing
and washing of
the interior of
factories and
workshops.

33. For the purpose of securing the observance of the requirements of this Act as to cleanliness in every factory [*and workshop*], all the inside walls of the rooms of a factory [*or workshop*], and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not), and all the passages and staircases of a factory [*or workshop*], if they have not been painted with oil or varnished once at least within seven years, shall be limewashed once at least within every fourteen months, to date from the period when last limewashed; and if they have been so painted or varnished shall be washed with hot water and soap once at least within every fourteen months, to date from the period when last washed.

A factory [*or workshop*] in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

Where it appears to a Secretary of State that in any class of factories [*or workshops*] or parts thereof, the regulations in this section are not required for the purpose of securing therein the observance of the requirements of this Act as to cleanliness, or are by reason of special circumstances inapplicable, he may, if he thinks fit, by order made under this part of this Act, grant to such class of factories [*or workshops*] or parts thereof, a special exception that the regulations in this section shall not apply thereto. (b)

(a) This section does not now apply to workshops (1891 s. 3 subs. (1)), and the words in italics are repealed by 1891 sched. 2. See note (a) on 1878 s. 3.

(b) By Order gazetted December 22 1892, a special exception under this section has been granted to the places specified in the two following schedules: provided, as to both schedules, that nothing in the Order is to affect the obligation to keep in a cleanly state under s. 3 of the Act of 1878: provided also, as to Schedule B, (1) that the special exception shall not apply

34. (a) Where a bakehouse is situate in any city, town, or place containing, according to the last published Census for the time being, a population of more than five thousand persons, all the inside walls of the rooms of such bakehouse, and all the ceilings or tops of such rooms (whether such walls, ceilings, or tops be plastered or not) and all the passages and staircases of such bakehouse, shall either be painted with oil or varnished or be limewashed, or be partly painted or varnished and partly limewashed; where painted with oil or varnished there shall be three coats of paint or varnish and the paint or varnish shall be renewed once at least in every seven years, and shall be washed with hot water and soap once at least in every six months; where limewashed the limewashing shall be renewed once at least in every six months.

Limewashing, painting, and washing of the interior of bakehouses.

A bakehouse in which there is any contravention of this section shall be deemed not to be kept in conformity with this Act.

to such part of any factory as does not afford clear 300 cubic feet for each person employed in such part: and (2) that, if it appear to an inspector that any part of a factory for which part this exception has been granted is not in a cleanly state, he may, by written notice, require the occupier to limewash or wash the same; and in the event of the occupier failing to comply with such requisition within two months from the date of the notice, the special exception shall cease to apply to any part of such factory:—

SCHEDULE A.

The whole of the following non-textile factories:—

- Blast Furnaces.
- Copper Mills.
- Iron Mills.
- Distilleries.
- Breweries.
- Sugar Factories.
- Cement Works.
- Manure Works.
- Stone and Marble Works.
- Paint, Colour, and Varnish Works.
- Chemical Works.
- Works in which Alkali is used.
- Glass Factories.
- Flax Scutch Mills in which neither children nor young persons are employed, and which are worked intermittently for not more than six months in the year.
- Works in which there are no glazed windows.

SCHEDULE B.

Parts of non-textile factories as herein-after-mentioned:—

1. Such ware-rooms or other rooms in any non-textile factory as are used for the storage of articles (whether on shelves or otherwise), and not for the constant carrying on therein of any manufacturing process or handicraft.
2. Such parts of any non-textile factory as are subject to the influence of steam evolved in the process of manufacture.
3. Such parts of any non-textile factory as are places in which pitch, tar, or like material is used.
4. Such parts of any non-textile factory as are places in which unpainted or unvarnished wood is manufactured.

Provision as
to sleeping
places near
bakehouses.

35. (a) Where a bakehouse is situate in any city, town or place containing, according to the last published Census for the time being, a population of more than five thousand persons, a place on the same level with the bakehouse, and forming part of the same building, shall not be used as a sleeping place, unless it is constructed as follows ; that is to say,

unless it is effectually separated from the bakehouse by a partition extending from the floor to the ceiling ; and

unless there be an external glazed window of at least nine superficial feet in area, of which at the least four and a half superficial feet are made to open for ventilation.

Any person who lets or occupies or continues to let or knowingly suffers to be occupied any place contrary to this section shall be liable to a fine not exceeding, for the first offence, twenty shillings, and for every subsequent offence five pounds.

Provision as
to ventilation
by fan in
factories and
workshops.

36. (b) If in a factory or workshop where grinding, glazing, or polishing on a wheel, or any process is carried on, by which dust is generated and inhaled by the workers to an injurious extent, it appears to an inspector that such inhalation could be to a great extent prevented by the use of a fan or other mechanical means the inspector may direct a fan or other mechanical means of a proper construction for preventing such inhalation to be provided within a

-
5. Such parts of any non-textile factory as are places in which metal is moulded, cast or founded.
 6. Such ceilings or tops of rooms in any non-textile factory as are of slate or iron or are at least 20 feet from the floor.
 7. All ceilings or tops of rooms in any non-textile factory in which any of the following occupations are carried on :—
 - Printworks.
 - Bleachworks.
 - Dye Works.
 - Engineering and Machine Shops.
 - Agricultural Implement making.
 - Coachmaking.
 - Fellmongers, Curriers, Tanners.
 - Making of Aërated Water.
 - Making of preserved fruits, sweetmeats, bonbons.
 - Engraving.
 - Manufacture of starch, soap, candles.
 - Corn Flour Mills.
 - Manufacture of watch movements, shaving, boring, turning, and fitting of brass.

A special exception under this section has also been granted to foundries, subject to the proviso that, if any foundry is not in a cleanly state, an inspector may, by written notice, require the occupier to limewash or wash it, and if the occupier fails to do so within two months the special exception shall cease to apply to the foundry (Order gazetted March 26 1895).

(a) Ss. 34 and 35 now apply to every bakehouse wherever situate (1895 s. 25 subs. (1)). For further provisions relating to bakehouses, see 1883 ss. 15–17 and 1895 s. 27.

(b) This section now applies to every factory or workshop where any process is carried on by which any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent (1895 s. 33).

reasonable time; and if the same is not provided, maintained, and used, the factory or workshop shall be deemed not to be kept in conformity with this Act.

37. A child, young person, or woman shall not be employed in any part of a factory in which wet-spinning is carried on, unless sufficient means be employed and continued for protecting the workers from being wetted, and where hot water is used, for preventing the escape of steam into the room occupied by the workers.

Protection of
workers in
wet-spinning.

A factory in which there is a contravention of this section shall be deemed not to be kept in conformity with this Act.

(2.) *Special Restrictions as to Employment, Meals, and Certificates of Fitness.*

38. A child or young person shall not, to the extent mentioned in the First Schedule to this Act, be employed in the factories or workshops or parts thereof named in that schedule.

Prohibition of
employment of
children and
young persons
in certain
factories or
workshops.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

39. A child, young person, or woman shall not be allowed to take a meal or to remain during the times allowed for meals in the parts of factories or workshops to which this section applies; and a child, young person, or woman allowed to take a meal or to remain in contravention of this section shall be deemed to be employed contrary to the provisions of this Act.

Prohibition of
taking meals
in certain parts
of factories
and workshops.

Notice of the prohibition in this section shall be affixed in a factory or workshop to which it applies.

This section applies to the parts of factories or workshops named in the Second Schedule to this Act.

Where it appears to a Secretary of State that by reason of the nature of the process in any class of factories or workshops or parts thereof not named in the said schedule, the taking of meals therein is specially injurious to health, he may, if he thinks fit, by order made under this part of this Act extend the prohibition in this section to the said class of factories or workshops or parts thereof.

If the prohibition in this section is proved to the satisfaction of a Secretary of State to be no longer necessary for the protection of the health of children, young persons, and women in any class of factories or workshops or parts thereof to which the prohibition has been extended by an order, he may, by an order made under this part of this Act, rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

40. In print works and bleaching and dyeing works the period of employment for a child, young person, and woman, and the times allowed for meals, shall be the same as if the said works were a textile factory, and the regulations of this Act with respect

In print works
and bleaching
and dyeing
works, period
of employment

and times
allowed for
meals.

to the employment of children, young persons, and women in a textile factory shall apply accordingly, as if print works and bleaching and dyeing works were textile factories; save that nothing in this section shall prevent the continuous employment of a child, young person, or woman in the said works without an interval of half an hour for a meal, for the period allowed by this Act in a non-textile factory.(a)

Power to require
certificates of
fitness for
employment
of children and
young persons
under 16 in
certain work-
shops.

41. (b) Where it appears to a Secretary of State that by reason of special circumstances affecting any class of workshops it is expedient for protecting the health of the children and of the young persons under the age of sixteen years employed therein, to extend thereto the prohibition in this section mentioned, he may, by order made under this part of this Act, extend to such class of workshops the prohibition in this Act of the employment of children and young persons under the age of sixteen years without a certificate of the fitness of such child or young person for employment, and thereupon the provisions of this Act with respect to certificates of fitness for employment shall apply to the class of workshops named in the order in like manner as if they were factories.

If the prohibition is proved to the satisfaction of the Secretary of State to be no longer necessary for the protection of the health of the children and the young persons under the age of sixteen years employed in any class of workshops to which it has been extended under this section, he may by order made under this part of this Act rescind the order of extension, without prejudice nevertheless to the subsequent making of another order.

(3.) *Special Exceptions relaxing General Law in certain Factories and Workshops.*

(a.) *Period of Employment.*(c)

Period of em-
ployment
between 8 a.m.
and 8 p.m. in
certain cases.

42. (d) *In the factories and workshops or parts thereof to which this exception applies the period of employment for young persons and women, if so fixed by the occupier and specified in the notice, may, except on Saturday, begin at eight o'clock in the morning and end at eight o'clock in the evening, and on Saturday may begin at eight o'clock in the morning and end at four o'clock in the afternoon, or where it begins at seven o'clock in the morning may end at three o'clock*

(a) The period referred to is 5 hours (1878 s. 13 subs. (4): s. 14 subs. (6)).

(b) No order has at present been made under this section.

(c) The sections under this head, ss. 42-51, relate to alterations of the hours of employment, but in no case authorise overtime proper, or increase of the hours of employment fixed by Part I. For overtime proper, see ss. 53-57.

(d) This section is repealed by 1895 sched. 3. Its effect was to authorise in exceptional cases hours of employment which are now permitted in all non-textile factories and workshops under 1878 s. 13 as amended by 1895 s. 36.

in the afternoon; and the period of employment for a child in a morning set may begin at the same hour, and the period of employment for a child in an afternoon set may end at the same hour.

This exception applies to the factories and workshops and parts thereof specified in Part One of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or part thereof, either generally or when situate in any particular locality, require the extension thereto of this exception, and that the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.]

43. (a) Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops or parts thereof, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act grant to such class of factories or workshops or parts thereof a special exception, that the period of employment for young persons and women therein, if so fixed by the occupier and specified in the notice, may on any day except Saturday begin at nine o'clock in the morning and end at nine o'clock in the evening, and in such case the period of employment for a child in a morning set shall begin at nine o'clock in the morning, and the period of employment for a child in an afternoon set shall end at eight o'clock in the evening.

Power to Secretary of State to allow period of employment between 9 a.m. and 9 p.m. in certain cases.

44. The regulations of this Act with respect to the employment of young persons in textile factories shall not prevent the employment, in the part of a textile factory in which a machine for the manufacture of lace is moved by steam, water, or other mechanical power, of any male young person above the age of sixteen years

Power of working young male persons above 16 in lace factories.

(a) A special exception has been granted under this schedule to the following places:—

Workshops in which the curing of fish is carried on (Order gazetted December 22 1882) ; and

Factories in the metropolis in which bookbinding is carried on, from September to February inclusive (Order gazetted January 18 1884) ; and

Workshops in connexion with drapers' retail establishments in the boroughs of Manchester and Salford (Order gazetted April 18 1884) ; and

Factories and workshops for the manufacture of straw hats and bonnets (Order gazetted May 3, 1887).

In the last three of the above cases, it is a condition of the exception that there shall be a cubic space of 400 feet for each young person and woman employed by virtue of the exception. In the last case (straw hats and bonnets) it is also a condition that no young person or woman shall under any circumstances be employed after 9 p.m.

between four o'clock in the morning and ten o'clock in the evening, if he is employed in accordance with the following conditions; namely,

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the factory, there shall be allowed him for meals and absence from work between the above-mentioned hours of four in the morning and ten in the evening not less than nine hours; and
- (b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the factory, he shall not be employed on the same day after the end of that period; and
- (c.) Where such young person is employed on any day after the end of the ordinary period of employment in the factory, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the factory means the period of employment for young persons under the age of sixteen years or women in the factory, or if none are employed means such period as can under this Act be fixed for the employment of such young persons and women in the factory, and notice of such period shall be affixed in the factory.

Power of working
male young per-
sons above 16
bakehouse

45. The regulations of this Act with respect to the employment of young persons in non-textile factories or workshops shall not prevent the employment, in the part of a bakehouse in which the process of baking bread is carried on, of any male young person above the age of sixteen years between five o'clock in the morning and nine o'clock in the evening, if he is employed in accordance with the following conditions; namely,

- (a.) Where such young person is employed on any day before the beginning or after the end of the ordinary period of employment in the bakehouse, there shall be allowed him for meals and absence from work between the above-mentioned hours of five in the morning and nine in the evening not less than seven hours; and
- (b.) Where such young person is employed on any day before the beginning of the ordinary period of employment in the bakehouse, he shall not be employed after the end of that period on the same day; and
- (c.) Where such young person is employed on any day after the end of the ordinary period of employment in the bakehouse, he shall not be employed next morning before the beginning of the ordinary period of employment.

For the purpose of this exception the ordinary period of employment in the bakehouse means the period of employment for young persons under the age of sixteen years or women in the bakehouse, or if none are employed, means such period as can under this Act be fixed for the employment of such young persons and women in

the bakehouse, and notice of such period shall be affixed in the bakehouse.

Where it is proved to the satisfaction of the Secretary of State that the exigencies of the trade carried on in bakehouses, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, and that such grant can be made without injury to the health of the male young persons affected thereby, he may by order made under this part of this Act grant to bakehouses, or to bakehouses situate in the said locality, a special exception permitting the employment of male young persons of sixteen years of age and upwards as if they were no longer young persons.

46. (a) Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require some other day in the week to be substituted for Saturday as regards the hour at which the period of employment for children, young persons, and women is required by this Act to end on Saturday, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of every such factory and workshop to substitute by a notice affixed in his factory or workshop some other day for Saturday, and in such case this Act shall apply in such factory or workshop in like manner as if the substituted day were Saturday, and Saturday were an ordinary work day.

Substitution by Secretary of State of another half holiday for Saturday.

47. In the process of Turkey red dyeing, nothing in Part One of this Act shall prevent the employment of young persons and women on Saturday until half-past four o'clock in the afternoon, but the additional number of hours so worked shall be computed as part of the week's limit of work which shall in no case be exceeded.

Employment in Turkey red dyeing on Saturday up to 4.30 p.m.

(a) A special exception under this section has, by Order gazetted December 22, 1882, been granted to the following places :—

Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings.

Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connexion with a retail shop on the same premises.

Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.

Non-textile factories and workshops in places in which the market day is Saturday, or in which a special day has been set apart for weekly half holiday.

The following non-textile factories and workshops, viz. :—

Dressing floors,	} in the county of Cornwall.
Tin streams,	
China clay pits, and	
Quarries,	

Continuous employment of children, young persons, and women in certain cases.

48. In any of the textile factories to which this exception applies, if the period of employment for young persons and women, as fixed by the occupier and specified in the notice, begins at the hour of seven in the morning, and the whole time between that hour and eight o'clock is allowed for meals, the regulations of this Act with respect to the employment of children, young persons, and women shall not prevent a child, young person, or woman, between the first day of November and the last day of March next following, being employed continuously, without an interval of at least half an hour for a meal, for the same period as if the factory were a non-textile factory.

This exception applies to the textile factories specified in Part Seven of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of textile factories, either generally or when situate in any particular locality, the customary habits of the persons employed therein require the extension thereto of this exception, and that the manufacturing process carried on therein is of a healthy character, and the extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

Giving half holidays and holidays on different days to different sets of children, young persons, and women.

49. (a) Where it is proved to the satisfaction of a Secretary of State that the customs or exigencies of the trade carried on in any class of non-textile factories or workshops, either generally or when situate in any particular locality, require that the special exception hereafter in this section mentioned should be granted, he may by order made under this part of this Act grant to such class of factories or workshops a special exception, authorising the occupier of any such factory or workshop to allow all or any of the half holidays, or whole holidays in lieu of them, on different days to any of the children, young persons, and women employed in his factory or workshop, or to any sets of such children, young persons, and women, and not on the same days.

(a) A special exception under this section has, by Order gazetted December 22 1882, been granted to the following places :—

Non-textile factories in which is carried on the printing of newspapers, or of periodicals, or of railway time tables, or of law or parliamentary proceedings.

Non-textile factories and workshops in which any manufacturing process or handicraft is carried on in connexion with a retail shop on the same premises.

Non-textile factories and workshops in which is carried on the making of any article of wearing apparel or of food.

Non-textile factories in which is carried on the manufacture of plate glass.

When this exception is not in force, the holidays of children, young persons, and women in a factory or workshop must be given at the same time.

50. Where the occupier of a factory or workshop is a person of the Jewish religion, the regulations of this Act with respect to the employment of young persons and women shall not prevent him—

Employment of young persons and women by Jewish occupiers of factories or workshops.

(1.) If he keeps his factory or workshop closed on Saturday until sunset, from employing young persons and women on Saturday from after sunset until nine o'clock in the evening; or

(2.) If he keeps his factory or workshop closed on Saturday both before and after sunset, from employing young persons and women one hour on every other day in the week (not being Sunday), in addition to the hours allowed by this Act, so that such hour be at the beginning or end of the period of employment, and be not before six o'clock in the morning or after nine o'clock in the evening; or

(3.) If all the children, young persons, and women in his factory or workshop are of the Jewish religion, from giving them, if so specified in a notice affixed in the factory or workshop as by this Act provided, any two public holidays under the Holidays Extension Act, 1875, (a) in lieu of Christmas Day and Good Friday, but in that case such factory or workshop shall not be open for traffic on Christmas Day or Good Friday.

38 & 39 Vict. c. 13.

51. No penalty shall be incurred by any person in respect of any work done on Sunday in a factory or workshop by a young person or woman of the Jewish religion, subject to the following conditions:

Employment of Jews by Jews on Sunday.

(1.) The occupier of the factory or workshop shall be of the Jewish religion; and

(2.) The factory or workshop shall be closed on Saturday and shall not be open for traffic on Sunday; and

(3.) The occupier shall not avail himself of the exception authorising the employment of young persons and women on Saturday evening, or for an additional hour during any other day of the week. (b)

Where the occupier avails himself of this exception, this Act shall apply to the factory or workshop in like manner as if in the provisions thereof respecting Sunday the word Saturday were substituted for Sunday, and in the provisions thereof respecting Saturday the word Sunday, or, if the occupier so specify in the notice the word Friday, were substituted for Saturday.

(a) This means bank holidays. But since the bank holidays have become the regular holidays in all factories and workshops (under 1895 s. 17), it seems that a Jewish occupier who substitutes a bank holiday, by virtue of this special power, must substitute some other day for the bank holiday. The power to substitute another day for Good Friday is not confined to Jewish occupiers (see 1878 s. 22).

(b) The exceptions referred to are those authorised by paragraphs (1) and (2) of 1878 s. 50.

(b.) *Meal Hours.*

Exception as to meal times being simultaneous and as to employment or remaining in room where manufacturing process is carried on during meal times.

52. The provisions of this Act which require that all the children, young persons, and women employed in a factory or workshop shall have the times allowed for meals at the same hour of the day shall not apply in the cases mentioned in Part Two of the Third Schedule to this Act.

The provisions of this Act which require that a child, young person, and woman shall not, during any part of the times allowed for meals in a factory or workshop, be employed in a factory or the workshop, or be allowed to remain in a room in which a manufacturing process or handicraft is being carried on, shall not apply in the cases and to the extent mentioned in Part Two of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of factories or workshops or parts thereof it is necessary, by reason of the continuous nature of the process, or of special circumstances affecting such class, to extend thereto the exceptions in this section or either of them, and that such extension can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend the same accordingly.

(c.) *Overtime.*

Power to employ young persons and women for 14 hours a day.

53. The regulations of this Act with respect to the employment of [*young persons and*](a) women shall not prevent the employment in [*the factories and workshops or parts thereof*](b) to which this exception applies [*of young persons and*] of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, if they are employed in accordance with the following conditions; namely,

- (1.) There shall be allowed to every such [*young person and*] woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and

(a) Young persons may not now be employed overtime by virtue of this section (1895 s. 14 subs. (1)). The only sections under which young persons can now be employed overtime are ss. 54, 55, & 57 of the Act of 1878. In all workshops to which this section applies registers of children and young persons must be kept (1895 s. 15).

(b) For these words, there are now substituted the words "the non-textile factories and workshops or parts thereof and warehouses" (1895 s. 37 subs. (1)). This amendment and that specified in note (c) on the next page are intended to make it clear that 1878 s. 53 does not apply to textile factories, and that it applies to warehouses in either textile or non-textile factories.

(2.) Any such [*young person or*] woman shall not be so employed on the whole for more than [*five days*](a) in any one week, nor for more than [*forty-eight days*](b) in any twelve months.

This exception applies to [*the factories and workshops and parts thereof*](c) specified in Part Three of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the material which is the subject of the manufacturing process or handicraft therein being liable to be spoiled by the weather, or by reason of press of work arising at certain recurring seasons of the year, or by reason of the liability of the business to a sudden press of orders arising from unforeseen events, to employ [*young persons and*] women in manner authorised by this exception, and that such employment will not injure the health of the [*young persons and*] women affected thereby, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

54. If in any factory or workshop or part thereof to which this exception applies, the process in which a child, young person, or woman is employed is in an incomplete state at the end of the period of employment of such child, young person, or woman, the provisions of this Act with respect to the period of employment shall not prevent such child, young person, or woman from being employed for a further period not exceeding thirty minutes :

Power to employ for half an hour after end of work where process is in an incomplete state.

Provided that such further periods when added to the total number of hours of the periods of employment of such child, young person, or woman in that week, do not raise that total above the number otherwise allowed under this Act.

This exception applies to the factories and workshops specified in Part Four of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof the time for the completion of a process cannot by reason of the nature thereof be accurately fixed, and that the extension to such class of factories or workshops or parts thereof of this exception can be made without injury to the health of the children, young persons, and women affected thereby, he may by order made under this part of this Act extend this exception accordingly.

55. Nothing in this Act shall prevent the employment of young persons and women so far as is necessary for the purpose only of

Employment of young persons, &c. in Turkey

(a) "Three days" now substituted (1895 s. 14 subs. (2)).

(b) "Thirty days" now substituted (1895 s. 14 subs. (2)). The limit now applies to overtime in the factory or workshop as a whole, not to overtime of particular individuals (1883 s. 13).

(c) For these words, there are now substituted the words "the non-textile factories and workshops and parts thereof and warehouses" (1895 s. 37 subs. (1)). See note (b) on the previous page.

red dyeing and open-air bleaching.

preventing any damage which may arise from spontaneous combustion in the process of Turkey red dyeing, or from any extraordinary atmospheric influence in the process of open-air bleaching.

Employment of women for 14 hours a day to preserve perishable articles.

56. The regulations of this Act with respect to the employment of young persons and women shall not prevent the employment, in the factories and workshops and parts thereof to which this exception applies, of women during a period of employment beginning at six o'clock in the morning and ending at eight o'clock in the evening, or beginning at seven o'clock in the morning and ending at nine o'clock in the evening, if they are employed in accordance with the following conditions; namely,

- (1.) There shall be allowed to every such woman for meals during the period of employment not less than two hours, of which half an hour shall be after five o'clock in the evening; and
- (2.) Any such woman shall not be so employed on the whole for more than five days in any one week, nor for more than [*ninety-six*]^(a) days in any twelve months.

This exception applies to the factories and workshops and parts thereof specified in Part Five of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the perishable nature of the articles or materials which are the subject of the manufacturing process or handicraft, to employ women in manner authorised by this exception, and that such employment will not injure the health of the women employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof.

Exception for factories driven by water power.

57. (b.) Where it appears to a Secretary of State that factories driven by water power are liable to be stopped by drought or flood,

(a) "Sixty days" now substituted (1895 s. 14 subs. (2)). The limit now applies to overtime in the factory or workshop as a whole, not to overtime of particular individuals (1883 s. 13)

(b) A special exception under this section has, by Order gazetted December 22 1882, been granted to factories in which water power alone is used to move the machinery, subject to the following conditions:—

- (1.) No person employed under this special exception shall be thereby deprived of the meal hours by the Act provided, or be so employed on Saturday.
- (2.) Notice of the time lost and the cause thereof shall be reported to the inspector within three days of such loss.
- (3.) Notice of the recovery of the time lost shall be reported to the inspector day by day as the same has been recovered.
- (4.) This special exception shall not be available—
 - (a) for the recovery of any time lost more than 12 months previously;
 - (b) for the recovery of time lost from the stoppage of the factory by drought, for more than 96 days in any period of 12 months;
 - (c) for the recovery of time lost from the stoppage of the factory by floods, for more than 48 days in any period of 12 months.
- (5.) This special exception will not authorise the employment of children.

he may, by order made under this part of this Act, grant to such factories a special exception permitting the employment of young persons and women during a period of employment from six o'clock in the morning until seven o'clock in the afternoon, on such conditions as he may think proper, but so as that no person shall be deprived of the meal hours by this Act provided, nor be so employed on Saturday, and that as regards factories liable to be stopped by drought, such special exception shall not extend to more than ninety-six days in any period of twelve months, and as regards factories liable to be stopped by floods, such special exception shall not extend to more than forty-eight days in any period of twelve months. This overtime shall not extend in any case beyond the time already lost during the previous twelve months.

(d.) *Nightwork.*

58. Nothing in this Act shall prevent the employment, in factories and workshops to which this exception applies, (a) of male young persons (b) during the night, if they are employed in accordance with the following conditions :

Employment of
male young per-
sons at night.

- (1.) The period of employment shall not exceed twelve consecutive hours, and shall begin and end at the hours specified in the notice in this Act mentioned ; and
- (2.) The provisions of Part One of this Act with respect to the allowance of times for meals to young persons during the period of employment shall be observed with the necessary modifications as to the hour at which the times allowed for meals are fixed ; and
- (3.) A male young person employed during any part of the night shall not be employed during any part of the twelve hours preceding or succeeding the period of employment ; and
- (4.) A male young person shall not be employed on more than six nights, or in the case of blast furnaces or paper mills seven nights in any two weeks. (c)

(a) This section does not authorise employment in any process other than a process incidental to the business of the factory as described in 1878 sched. 4 part 1 (1895 s. 14 subs. (4)).

(b) It is provided by 1895 s. 14 subs. (3) that this section shall, after January 1 1897, apply only to male young persons of 14 years of age or upwards, that is, not to children of 13, who having obtained a certificate under 1878 s. 26, may be employed as young persons.

(c) Young persons to whom this section applies may now be employed in three shifts of not more than eight hours each, provided that there is an interval of two unemployed shifts between each two shifts of employment (1895 s. 38). Presumably Nos. (1) and (2) of the conditions imposed by this section will still apply in case of such employment.

The provisions of this Act with respect to the period of employment on Saturday, and with respect to the allowance to young persons of eight half holidays in every year or of whole holidays in lieu of them, shall not apply to a male young person employed in day and night turns in pursuance of this exception.

This exception applies to the factories and workshops specified in Part Six of the Third Schedule to this Act.

Where it is proved to the satisfaction of a Secretary of State that in any class of non-textile factories or workshops or parts thereof it is necessary, by reason of the nature of the business requiring the process to be carried on throughout the night, to employ male young persons of sixteen years of age or upwards at night, and that such employment will not injure the health of the male young persons employed, he may by order made under this part of this Act extend this exception to such factories or workshops or parts thereof, so far as regards young persons of the age of sixteen years or upwards.

Employment in certain letter-press printing works of male young persons of 16 at night.

59. In a factory or workshop in which the process of printing newspapers is carried on on not more than two nights in the week, nothing in this Act shall prevent the employment of a male young person of sixteen years of age and upwards at night during not more than two nights in a week, as if he were no longer a young person.^(a)

Employment of male young persons in glass works.

60. (b) In glass works nothing in this Act shall prevent any male young person^(c) from working according to the accustomed hours of the works, if he is employed in accordance with the following conditions; namely,

- (1.) The total number of hours of the periods of employment shall not exceed sixty in any one week; and
- (2.) The periods of employment for any such young person shall not exceed fourteen hours in four separate turns per week, or twelve hours in five separate turns per week, or ten hours in six separate turns per week, or any less number of hours in the accustomed number of separate turns per week, so that such number of turns do not exceed nine; and
- (3.) Such young person shall not work in any turn without an interval of time not less than one full turn; and

(a) A young person may not under this section be employed for more than 12 hours consecutively (1895 s. 14 subs. (5)).

(b) This section is not to be construed as authorising employment on Sunday (1895 s. 14 subs. (6)).

(c) It is provided by 1895 s. 14 subs. (3) that this section shall, after January 1 1897, apply only to male young persons of 14 years of age or upwards. See note (b) on the previous page.

[*(4.) There shall be allowed to such young person during each turn (so far as is practicable) the like times for meals as are required by this Act to be allowed in any other non-textile factory or workshop.*](a)

(4.) Special Exception for Domestic and certain other Factories and Workshops.

61. The provisions of this Act which relate—

Exception of domestic factories and workshops and certain other workshops from certain provisions of the Act.

(1.) To the cleanliness (including limewashing, painting, varnishing, and washing) or to the freedom from effluvia, or to the overcrowding, or ventilation of a factory or workshop ; or

(2.) To all children, young persons, and women employed in a factory or workshop having the times allowed for meals at the same hour of the day, or during any part of the times allowed for meals in a factory or workshop being employed in the factory or workshop or being allowed to remain in any room ; or

(3.) To the affixing of any notice or abstract in a factory or workshop ; or specifying any matter in the notice so affixed ; or

(4.) To the allowance of any holidays to a child, young person, or woman ; or

(5.) To the sending notice of accident ;

shall not apply—

(a.) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there ; (b) [or

(b.) *To a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.*](c)

And the provisions of this Act with respect to certificates of fitness for employment shall apply to any such private house, room,

(a) For this paragraph there is now substituted the following paragraph :
“ Such young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal ” (1895 s. 14 subs. (7)). Cf. 1878 s. 13 paragraph (4).

(b) For the periods of employment of children and young persons in these “ domestic workshops,” see 1878 s. 16.

(c) Paragraph (b) is repealed by 1891 s. 21. Workshops conducted on the system of not employing children or young persons are now in the same position as ordinary workshops, except that there are special regulations for women’s employment (1891 s. 13).

or place as aforesaid, which by reason of the nature of the work carried on there is a factory, as if the same were a workshop within the meaning of this Act, and not a factory.

Where the occupier of a workshop has served on an inspector notice of his intention to conduct that workshop on the system of not employing children or young persons therein, the workshop shall be deemed for all the purposes of this Act to be conducted on the said system until the occupier changes it, and no change shall be made until the occupier has served on the inspector notice of his intention to change the system, and until the change a child or young person employed in the workshop shall be deemed to be employed contrary to the provisions of this Act. A change in the said system shall not be made oftener than once a quarter, unless for special cause allowed in writing by an inspector.(a)

Nothing in this section shall exempt a bakehouse from the provisions of this Act with respect to cleanliness (including limewashing, painting, varnishing, and washing,) or to freedom from effluvia.

Exception for certain descriptions of flax scutch mills from certain provisions of Act.

62. The regulations of this Act with respect to the employment of women shall not apply to flax scutch mills which are conducted on the system of not employing either children or young persons therein, and which are worked intermittently, and for periods only which do not exceed in the whole six months in any year. A flax scutch mill shall not be deemed to be conducted on the system of not employing therein either children or young persons until the occupier has served on an inspector notice of his intention to conduct such mill on that system.

(5.) *Supplemental as to Special Provisions.*

Requirement of sanitary provisions as condition of special exceptions.

63. Where it appears to a Secretary of State that the adoption of any special means or provision for the cleanliness or ventilation of a factory or workshop is required for the protection of the health of any child, young person, or woman employed, in pursuance of an exception under this part of this Act, either for a longer period than is otherwise allowed by this Act, or at night, he may by order made under this part of this Act direct that the adoption of such means or provision shall be a condition of such employment; and if it appears to a Secretary of State that the adoption of any such means or provision is no longer required, or is, having regard to all the circumstances, inexpedient, he may, by order made under this part of this Act rescind the order directing such

(a) The conditions imposed by this paragraph are out of place in this section since the repeal of paragraph (b) above. They are material as affecting the regulations in 1891 s. 13.

adoption without prejudice to the subsequent making of another order.(a)

64. Where an exception has been granted or extended under this part of this Act by an order of a Secretary of State, and it appears to a Secretary of State that such exception is injurious to the health of the children, young persons, or women employed in, or is no longer necessary for the carrying on of the business in, the class of factories or workshops or parts thereof to which the said exception was so granted or extended, he may by an order made under this part of this Act rescind the grant or extension, without prejudice to the subsequent making of another order.

Power to rescind order granting or extending exception.

65. Where a Secretary of State has power to make an order under this part of this Act, the following provisions shall apply to that order :

Provisions as to order of Secretary of State.

- (1.) The order shall be under the hand of the Secretary of State and shall be published in the London Gazette, and shall come into operation at the date of such publication in the London Gazette, or at any later date mentioned in the order :
- (2.) The order may be temporary or permanent, conditional or unconditional, and whether extending a prohibition or exception, granting an exception, directing the adoption of any means or provisions, or rescinding a previous order, or effecting any other thing, may do so either wholly or partly :
- (3.) The order shall be laid as soon as may be before both Houses of Parliament, and if either House of Parliament, within the next forty days after the same has been so laid before such House, resolve that such order ought to be annulled, the same shall after the date of such resolution be of no effect, without prejudice to the validity of anything done in the meantime under such order or to the making of any new order :
- (4.) The order, while it is in force, shall, so far as is consistent with the tenor thereof, apply as if it formed part of the enactment which provides for the extension or grant or otherwise for making the order.(b)

66. An occupier of a factory or workshop, not less than seven days before he avails himself of any special exception under this

Provisions to occupier availing himself of special

(a) The powers of the Secretary of State under this section are now extended to making orders as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, which are to be conditions of the employment of young persons at night, and to rescinding such orders (1895 s. 14 subs. (3)). It will be observed that the powers of the Secretary of State under 1878 s. 63, though not under the above exception, apply to cases of overtime as well as of night work.

(b) The order is also required to be published in such manner as the Secretary of State thinks best adapted for the information of all persons interested (1895 s. 47).

exceptions, and
registry of work
under them.

part of this Act, shall serve on [*an inspector*](a) and (except in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply)(b) affix in his factory or workshop notice of his intention so to avail himself, and whilst he avails himself of the exception shall keep the notice so affixed.

Before the service of such notice on the inspector the special exception shall not be deemed to apply to the factory or workshop, and after the service of such notice on the inspector it shall not be competent in any proceeding under this Act for the occupier to prove that such special exception does not apply to his factory or workshop, unless he has previously served on [*an inspector*] notice that he no longer intends to avail himself of such special exception.

The notice so served and affixed shall specify the hours for the beginning and end of the period of employment, and the times to be allowed for meals to every child, young person, and woman where they differ from the ordinary hours or times.

An occupier of a factory or workshop shall enter in the prescribed register, and report(c) to [*an inspector*], the prescribed particulars respecting the employment of a child, young person, or woman in pursuance of an exception, but such entry and report need not be made in the case of a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply,(b) except so far as may be from time to time prescribed by a Secretary of State.(d)

Where the occupier of a factory or workshop avails himself of an exception under this part of this Act, and a condition for availing himself of such exception (whether specified in this part of this Act, or in an order of a Secretary of State made under this part of this Act) is not observed in that factory or workshop, then

- (1.) If such condition relates to the cleanliness, ventilation, or overcrowding of the factory or workshop, the factory or workshop shall be deemed not to be kept in conformity with this Act; and
- (2.) In any other case a child, young person, or woman employed in the factory or workshop, in alleged pursuance of the said exception, shall be deemed to be employed contrary to the provisions of this Act.

(a) For "an inspector," the words "the inspector for the district" are substituted throughout this section (1895 s. 44 subs. (1)).

(b) That is the "domestic workshops" (including certain factories) to which ss. 16 and 61 of the Act of 1878 apply.

(c) The report must be made before 8 p.m. on the day of the employment (1891 s. 14 subs. (1)).

(d) Where an entry and a report are required under this section, the occupier must cause a notice containing the prescribed particulars respecting the employment to be affixed in the factory or workshop (1891 s. 14 subs. (2)).

PART III.

ADMINISTRATION, PENALTIES, AND LEGAL PROCEEDINGS.

(1.) *Inspection.*

67. A Secretary of State from time to time, with the approval of the Treasury as to numbers and salaries, may appoint such inspectors (under whatever title he may from time to time fix)(a) and such clerks and servants as he may think necessary for the execution of this Act, and may assign to them their duties and award them their salaries, and may constitute a principal inspector with an office in London, and may regulate the cases and manner in which the inspectors, or any of them, are to execute and perform the powers and duties of inspectors under this Act, and may remove such inspectors, clerks, and servants.

Appointment, payment, &c. of inspectors of factories, and clerks and servants.

The salaries of the inspectors, clerks, and servants, and the expenses incurred by them or by a Secretary of State in the execution of this Act, shall be paid out of moneys provided by Parliament.

Notice of the appointment of every such inspector shall be published in the London Gazette.

A person who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein, or in a patent connected therewith or is employed in or about a factory or workshop, shall not act as an inspector under this Act.

An inspector under this Act shall not be liable to serve in any parochial or municipal office.

Such annual report of the proceedings of the inspectors as the Secretary of State from time to time directs shall be laid before both Houses of Parliament.

A reference in this Act to an inspector refers, unless it is otherwise expressed, to an inspector appointed in pursuance of this section, and a notice or other document required by this Act to be sent to an inspector shall be sent to such inspector as a Secretary of State from time to time directs,(b) by declaration published in the London Gazette or otherwise as he thinks expedient for making the same known to all persons interested.

68. An inspector under this Act shall for the purpose of the execution of this Act have power to do all or any of the following things; namely,

Powers of inspectors.

- (1.) To enter, inspect, and examine at all reasonable times by day and night(c) a factory and a workshop and every part thereof

(a) For the titles, names, and districts of inspectors, see the Appendix to the Chief Inspector's Annual Report.

(b) It is now provided that notices and documents must be sent to the inspector for the district in which the factory or workshop is situate (1895 s. 44 subs. 1)).

(c) "Day" means the period from 6 a.m. to 9 p.m., "night" the period from 9 p.m. to 6 a.m. (1878 s. 96).

when he has reasonable cause to believe that any person is employed therein, and to enter by day any place which he has reasonable cause to believe to be a factory or workshop ;(a) and

- (2.) To take with him in either case a constable into a factory(b) in which he has reasonable cause to apprehend any serious obstruction in the execution of his duty ; and
- (3.) To require the production of the registers, certificates, notices, and documents kept in pursuance of this Act, and to inspect, examine, and copy the same ; and
- (4.) To make such examination and inquiry as may be necessary to ascertain whether the enactments for the time being in force relating to the public health and the enactments of this Act are complied with, so far as respects the factory or workshop and the persons employed therein ; and
- (5.) To enter any school in which he has reasonable cause to believe that children employed in a factory or workshop are for the time being educated ; and
- (6.) To examine either alone or in the presence of any other person, as he thinks fit, with respect to matters under this Act, every person whom he finds in a factory or workshop, or such a school as aforesaid, or whom he has reasonable cause to believe to be or to have been within the preceding two months employed in a factory or workshop, and to require such person to be so examined and to sign a declaration of the truth of the matters respecting which he is so examined ; and
- (7.) To exercise such other powers as may be necessary for carrying this Act into effect.(c)

The occupier of every factory and workshop, his agents and servants, shall furnish the means required by an inspector as necessary for an entry, inspection, examination, inquiry, or the exercise of his powers under this Act in relation to such factory and workshop.

Every person who wilfully delays an inspector in the exercise of any power under this section, or who fails to comply with a requisition of an inspector in pursuance of this section, or to produce any certificate or document which he is required by or in pursuance of this Act to produce, or who conceals or prevents a child, young

(a) The effect of this paragraph is that an inspector who in the course of his work enters a place which turns out not to be a factory or workshop, *e.g.*, a room used solely for sleeping (1891 s. 31), or a place in the precincts of a factory or workshop and used solely for some purpose other than the process carried on in the factory or workshop (1878 s. 93), is in a different position according as the entry is by day or by night. If it is by day, he is protected if he had reasonable cause to believe the place to be a factory or workshop. If it is by night, he has no such protection, but runs the risk of being treated as a trespasser.

(b) The words " or workshop " are now inserted (1895 s. 45).

(c) An inspector is now expressly empowered, if authorised in writing by the Secretary of State, to conduct proceedings before a court of summary jurisdiction or a justice (1895 s. 51).

person, or woman from appearing before or being examined by an inspector, or attempts so to conceal or prevent a child, young person, or woman, shall be deemed to obstruct an inspector in the execution of his duties under this Act: Provided always, that no one shall be required under this section to answer any question or to give any evidence tending to criminate himself.

Where an inspector is obstructed in the execution of his duties under this Act, the person obstructing him shall be liable to a fine not exceeding five pounds; and where an inspector is so obstructed in a factory or workshop, the occupier of that factory or workshop shall be liable to a fine not exceeding five, or where the offence is committed at night, twenty pounds; and where an inspector is so obstructed in a factory or workshop within the meaning of section sixteen of this Act, (a) the occupier shall be liable to a fine not exceeding one, or where the offence is committed at night, five pounds. (b)

[69. (c) *An inspector before entering in pursuance of the powers conferred by this Act, without the consent of the occupier, any room or place actually used as a dwelling as well as for a factory or workshop, shall on an affidavit or statutory declaration of facts and reasons obtain written authority so to do from a Secretary of State, or such warrant as is herein-after mentioned from a justice of the peace.*

Restriction on entry of inspector into dwellings.

The affidavit or statutory declaration above mentioned may be inspected or produced in evidence in all respects the same as an information on oath before a justice.

A justice of the peace, if satisfied by information on oath that there is reasonable cause to suppose that any enactment of this Act is contravened in any such room or place as aforesaid, may in his discretion grant a warrant under his hand authorising the inspector named therein at any time within the period named therein, but not exceeding one month from the date thereof, to enter, in pursuance of this Act, the room or place named in the warrant, and exercise therein the powers of inspection and examination conferred by this Act, and the fines and provisions of this Act with respect to obstruction of an inspector shall apply accordingly.]

70. Every inspector under this Act shall be furnished with the prescribed certificate of his appointment, and on applying for admission to a factory or workshop shall, if required, produce to the occupier the said certificate.

Certificates of appointment of inspectors.

Every person who forges or counterfeits any such certificate, or makes use of any forged, counterfeited, or false certificate, or personates the inspector named in any such certificate, or falsely

(a) *i.e.*, "domestic workshops" (including certain factories).

(b) On a second or subsequent conviction within 2 years, the fine must be not less than 1*l.* for each offence (1891 s. 28).

(c) This section is now repealed (1891 sched. 2). An inspector's powers of entry may now be exercised without obtaining the authority or warrant required by this section (1891 s. 25).

pretends to be an inspector under this Act, shall be liable to be imprisoned for a period not exceeding three months, with or without hard labour.

(2.) *Certifying Surgeons.*

Poor law medical officers to act where no certifying surgeon within three miles.

71. Where there is no certifying surgeon resident within three miles of a factory or workshop, the poor law medical officer shall be for the time being the certifying surgeon under this Act for such factory or workshop.

Appointment of certifying surgeons.

72. Subject to such regulations as may be from time to time made by a Secretary of State, an inspector may from time to time appoint a sufficient number of duly registered medical practitioners to be certifying surgeons for the purposes of this Act, and may from time to time revoke any such appointment.

Every appointment and revocation of appointment of a certifying surgeon may be annulled by a Secretary of State upon appeal to him for that purpose.

A surgeon who is the occupier of a factory or workshop, or is directly or indirectly interested therein or in any process or business carried on therein or in a patent connected therewith, shall not be a certifying surgeon for that factory or workshop.

A Secretary of State may from time to time make rules for the guidance of certifying surgeons, and for the particulars to be registered respecting their visits, and for the forms of certificates and other documents to be used by them.

Regulations as to the grant of certificates of fitness.

73. A certificate of fitness for employment^(a) shall not be granted for the purposes of this Act, except upon personal examination of the person named therein.

A certifying surgeon shall not examine a child or young person for the purposes of a certificate of fitness for employment, or sign any such certificate, elsewhere than at the factory or workshop where such child or young person is or is about to be employed, unless the number of children and young persons employed in that factory or workshop are less than five, or unless for some special reason allowed in writing by an inspector.

If a certifying surgeon refuses to grant for any person examined by him a certificate of fitness for employment, he shall when required give in writing and sign the reasons for such refusal.

Fees of certifying surgeons for examination of children and young persons.

74. With respect to the fees to be paid to certifying surgeons in respect of the examination of, and grant of certificates of fitness for employment for, children and young persons in factories or workshops, the following provisions shall have effect:

(1.) 'The occupier may agree with the certifying surgeon as to the amount of such fees :

(a) For certificates of fitness, see 1878 ss. 27-30.

(2.) In the absence of any such agreement the fees shall be those named in the following scale :

When the examination is at a factory or workshop not exceeding one mile from the surgeon's residence,	2s. 6d. for each visit and 6d. for each person after the first five examined at that visit.
When the examination is at a factory or workshop more than one mile from the surgeon's residence,	The above fees and an additional 6d. for each complete half mile over and above the mile.
When the examination is not at the factory or workshop but at the residence of the surgeon, or at some place appointed by the surgeon for the purpose, and which place as well as the day and hour appointed for the purpose shall be published in the prescribed manner,	6d. for each person examined.

(3.) The occupier shall pay the fees on the completion of the examination, or if any certificates are granted at the time at which the surgeon signs the certificates, or at any other time directed by an inspector :

(4.) The occupier may deduct the fee or any part thereof, not exceeding in any case threepence, from the wages of the person for whom the certificate was granted :

(5.) A Secretary of State may from time to time, if he think it expedient, alter any fees fixed by this section.

(3.) *Miscellaneous.*

75. Every person shall, within one month after he begins to occupy a factory, (a) serve on [*an inspector*] (b) a written notice containing the name of the factory, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, the nature and amount of the moving power therein, and the name of the firm under which the business of the factory is to be carried on, and in default shall be liable to a fine not exceeding five pounds.

Notice of factory to be given to inspector.

76. Where an inspector, by notice in writing, names a public clock (c), or some other clock open to public view for the purpose of regulating the period of employment in a factory or workshop,

Regulation of hours by public clock.

(a) This section was extended to new workshops by 1891 s. 26, and to all existing workshops by 1895 s. 41, so that the notice is now required in case of all workshops.

(b) The words "the inspector for the district" are now substituted (1895 s. 44 subs. (1)).

(c) For the power of an urban district council to provide a public clock, see 38 & 39 Vict. c. 55. s. 165.

the period of employment and times allowed for meals for children, young persons, and women in that factory or workshop shall be regulated by that clock, which shall be specified in the notice affixed in the factory or workshop.

Registers to be kept in a factory or workshop.

77. The occupier of every factory and workshop to which this section applies shall keep in the prescribed form and with the prescribed particulars registers of the children and young persons employed in that factory or workshop, and of their employment, and of other matters under this Act.

The occupier of a factory or workshop shall send to an inspector such extracts from any register kept in pursuance of this Act as the inspector from time to time requires for the execution of his duties under this Act.

This section applies to every factory and workshop in which a child or young person under the age of sixteen years, is for the time being, prohibited under this Act from being employed without a certificate of fitness for employment.^(a)

Where by reason of the number of children and young persons employed in a factory or workshop to which this section does not for the time being apply, or otherwise, it seems expedient to a Secretary of State so to do, he may order the occupier of that factory or workshop to keep a register under this section, with power to rescind such order, and while such order is in force this section shall apply to that factory or workshop.

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

Affixing in factory or workshop of abstract of Act and notices.

78. There shall be affixed at the entrance of a factory and a workshop, and in such other parts thereof as an inspector for the time being directs, and be constantly kept so affixed in the prescribed form and in such position as to be easily read by the persons employed in the factory or workshop,—

- (1.) The prescribed abstract of this Act; and
- (2.) A notice of the name and address of the prescribed inspector; and
- (3.) A notice of the name and address of the certifying surgeon for the district; and
- (4.) A notice of the clock (if any) by which the period of employment and times for meals in the factory or workshop are regulated; and
- (5.) Every notice and document required by this Act to be affixed in the factory or workshop.^(b)

(a) This section applies to all factories (1878 s. 27), and has been extended to all workshops to which 1878 s. 53 applies (1895 s. 15). For a list of these workshops, see 1878 sched. 3 part 3 and note (b) thereon.

(b) To these notices must now be added a notice specifying the number of persons who may be employed in each room without violating the law against overcrowding (1895 s. 1 subs. (3)).

In the event of a contravention of this section in a factory or workshop, the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings.

79. Any notice, order, requisition, summons, and document under this Act may be in writing or print, or partly in writing and partly in print. Printing or writing and service of notice and documents, &c.

Any notice, order, requisition, summons, and document required or authorised to be served or sent for the purposes of this Act may be served and sent by delivering the same to or at the residence of the person on or to whom it is to be served or sent, or, where that person is the occupier of a factory or workshop, by delivering the same or a true copy thereof to his agent or to some person in such factory or workshop; it may also be served or sent by post by a prepaid letter, and if served or sent by post shall be deemed to have been served and received respectively at the time when the letter containing the same would be delivered in the ordinary course of post, and in proving such service or sending it shall be sufficient to prove that it was properly addressed and put into the post; and where it is required to be served on or sent to the occupier of a factory or workshop, it shall be deemed to be properly addressed if addressed to the occupier of such factory or workshop at the factory or workshop, with the addition of the proper postal address, but without naming the person who is the occupier.

80. Any Act for the time being in force relating to weights and measures^(a) shall extend to weights, measures, scales, balances, steelyards, and weighing machines used in a factory or workshop in checking or ascertaining the wages of any person employed therein, in like manner as if they were used in the sale of goods, and as if such factory or workshop were a place where goods are kept for sale, and such Act shall apply accordingly, and every inspector of, or other person authorised to inspect or examine, weights and measures, shall inspect, stamp, mark, search for, and examine the said weights and measures, scales, balances, steelyards, and weighing machines accordingly, and for that purpose shall have the same powers and duties as he has in relation to weights, measures, scales, balances, steelyards, and weighing machines used in the sale of goods. Inspection of weights and measures used in factories and workshops.

(4.) *Fines.*

81. If a factory or workshop is not kept in conformity with this Act, the occupier thereof shall be liable to a fine not exceeding ten pounds. Fine for not keeping factory or workshop in conformity with Act.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order certain means to be adopted by the occupier, within the time named in the order, for the purpose of bringing his factory or workshop into conformity with this Act;

(a) That is 41 & 42 Vict. c. 49. and 52 & 53 Vict. c. 21.

the court may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.(a)

Penal compensa-
tion to person
injured by want
of fence to
machinery, &c.

82. (b) If any person is killed or suffers any bodily injury in consequence of the occupier of a factory having neglected to fence any machinery required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, or in consequence of the occupier of a factory or workshop having neglected to fence any vat, pan, or other structure required by or in pursuance of this Act to be securely fenced, or having neglected to maintain such fencing, the occupier of the factory or workshop shall be liable to a fine not exceeding one hundred pounds,(e) the whole or any part of which may be applied for the benefit of the injured person or his family, or otherwise as a Secretary of State determines:

Provided that the occupier of a factory shall not be liable to a fine under this section if an information against him for not fencing the part of the machinery, or the vat, pan, or other structure, by which the death or bodily injury was inflicted, has been heard and dismissed previous to the time when the death or bodily injury was inflicted.(d)

(a) On a second or subsequent conviction under this section within 2 years, the fine must be not less than 1*l.* for each offence (1891 s. 28). The principle of the second paragraph of this section is further carried out by the power given to the court to prohibit the use of dangerous premises (1895 s. 2) or of a dangerous machine (1895 s. 4).

(b) This section now extends to any death, bodily injury, or injury to health caused by the occupier's neglect to observe any provision of the Factory Acts or any Special Rule or Requirement made under ss. 8-11 of the Act of 1891. In case of injury to health it must be proved that the injury was caused directly by the neglect (1895 s. 13).

(c) On a second or subsequent conviction under this section within 2 years, the fine must be not less than 1*l.* for each offence (1891 s. 28).

(d) The Acts are silent with regard to a workman's remedies, other than his claim to penal compensation, in case of injury resulting from breach of any provision of the Acts. If he is injured through defective condition of machinery, of which the employer was aware and he was not, an action at common law will be against the employer (*Griffiths v. London and St. Katharine Docks Co.*, 13 Q.B.D. 259). Further, if the workman can show that an injury caused by defect in machinery was due to negligence on the part of the employer or of a foreman in charge, he enjoys the limited right of action given by the Employers Liability Act, but any sum paid to him under the above section must be deducted from the amount recovered by him under that Act (43 & 44 Vict. c. 42. s. 5). It is not quite clear, however, whether, apart from these two causes of action, a workman injured through breach of any of the provisions of the Acts has a right of action based solely on the breach of statutory duty. Before the Act of 1878 such a right seems to have been recognised under the Acts then in force (see *Coe v. Platt*, 6 Ex. 752; *Caswell v. Worth*, 5 E. & B. 849; 25 L.J. Q.B. 121; *Doel v. Sheppard*, 5 E. & B. 856; 25 L.J. Q.B. 124; *Holmes v. Clarke*, 6 H. & N. 349; 7 H. & N. 937; 30 L.J. Ex. 135; 31 L.J. Ex. 356; *Britton v. Great Western Cotton Co.*, L.R. 7 Ex. 130). In all of these cases it was assumed that a right of action existed for

83. Where a child, young person, or woman is employed in a factory or workshop contrary to the provisions of this Act, the occupier of the factory or workshop shall be liable to a fine not exceeding three, or if the offence was committed during the night, five pounds for each child, young person, or woman so employed; and where a child, young person, or woman is so employed in a factory or workshop within the meaning of section sixteen of this Act, the occupier shall be liable to a fine not exceeding one, or if the offence was committed during the night, two pounds for each child, young person, or woman so employed.^(a)

Fine for employing children, young persons, and women contrary to the Act.

A child, young person, or woman who is not allowed times for meals and absence from work as required by this Act, or during any part of the times allowed for meals and absence from work is, in contravention of the provisions of this Act, employed in the factory or workshop or allowed to remain in any room, shall be deemed to be employed contrary to the provisions of this Act.

84. The parent of a child or young person shall,—

- (1.) If such child or young person is employed in a factory or workshop contrary to the provisions of this Act, be liable to a fine not exceeding twenty shillings for each offence, unless it appears to the court that such offence was committed without the consent, connivance, or wilful default of such parent; and
- (2.) If he neglects to cause such child to attend school in accordance with this Act, be liable to a fine not exceeding twenty shillings for each offence.

Fine on parent for allowing child or young person to be employed contrary to the Act, or neglecting to cause child to attend school.

85. Every person who forges or counterfeits any certificate for the purposes of this Act (for the forging or counterfeiting of which no other punishment is provided), or who gives or signs any such

Forgery of certificates, false entries, and declarations.

particular injury caused by a breach of the Acts then in force, although the breach was one for which penal compensation might have been awarded under 7 Vict. c. 15. s. 60 (which is to the same effect as 1878 s. 82). But at the time when these cases were decided it was held to be the rule that there was a right of action in respect of special damage resulting from the breach of a statutory duty (*Couch v. Steel*, 3 E. & B. 402; 23 L.J. Q.B. 121). This doctrine has since been modified (see especially *Cowley v. Newmarket Board*, 1892 A.C. 345; *Municipality of Picton v. Geldert*, 1893 A.C. 524), and it is held that the true rule is that there is no such right of action unless the statute in question shows an intention to create it (see *Atkinson v. Newcastle Waterworks Co.*, 2 Ex. D. 441). If the question were now considered *de novo*, it could hardly be doubtful that the provision for penal compensation in certain cases under 1878 s. 82, now extended to all breaches of the Acts by 1895 s. 13, indicates an intention not to create any right of action based solely on breach of a statutory duty under the Acts, and the decision of the courts would probably be that no such right of action exists.

In *Caswell v. Worth* (*supra*) it was held that, assuming such a right of action to exist, contributory negligence is a defence. This was doubted by Pigott B. in *Britton v. Great Western Cotton Co.* (*supra*), in which case, and in *Holmes v. Clarke* (*supra*), the applicability of the further defence of *volenti non fit injuria* to such an action was discussed.

(a) On a second or subsequent conviction under this section within 2 years, the fine must be not less than 1*l.* for each offence (1891 s. 28).

certificate knowing the same to be false in any material particular, or who knowingly utters or makes use of any certificate so forged, counterfeited, or false as aforesaid, or who knowingly utters or make use of as applying to any person a certificate which does not so apply, or who personates any person named in a certificate, or who wilfully connives at the forging, counterfeiting, giving, signing, uttering, making use, or personating as aforesaid, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Every person who wilfully makes a false entry in any register, notice, certificate, or document required by this Act to be kept or served or sent, or who wilfully makes or signs a false declaration under this Act, or who knowingly makes use of any such false entry or declaration, shall be liable to a fine not exceeding twenty pounds, or to imprisonment for a term not exceeding three months with or without hard labour.

Fine on person committing offence for which occupier is liable.

86. Where an offence for which the occupier of a factory or workshop is liable under this Act to a fine, has in fact been committed by some agent, servant, workman, or other person, such agent, servant, workman or other person shall be liable to the same fine as if he were the occupier.

Power of occupier to exempt himself from fine on conviction of the actual offender.

87. Where the occupier of a factory or workshop is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the occupier of the factory or workshop proves to the satisfaction of the court that he had used due diligence to enforce the execution of the Act, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine.

When it is made to appear to the satisfaction of an inspector at the time of discovering the offence, that the occupier of the factory or workshop had used all due diligence to enforce the execution of this Act, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the occupier and in contravention of his orders, then the inspector shall proceed against the person whom he believes to be the actual offender in the first instance, without first proceeding against the occupier of the factory or workshop.^(a)

(a) Where under this section a person other than the occupier is brought before the court and convicted, that person is liable to pay costs (1895 s. 50).

88. A person shall not be liable in respect of a repetition of the same kind of offence from day to day to any larger amount of fines than the highest fine fixed by this Act for the offence, except—

Restraint on cumulative fines.

- (a.) where the repetition of the offence occurs after an information has been laid for the previous offence; or
- (b.) where the offence is one of employing two or more children, young persons, or women contrary to the provisions of this Act.

(5.) *Legal Proceedings.*

89. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, on summary conviction before a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

Prosecution of offences and recovery and application of fines.

A summary order may be made for the purposes of this Act by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts.

All fines imposed in pursuance of this Act shall, save as otherwise expressly provided by this Act, (a) be paid into the Exchequer.

The court of summary jurisdiction, when hearing and determining a case arising under this Act, shall be constituted either of two or more justices of the peace sitting at some court or public place at which justices are for the time being accustomed to assemble for the purpose of holding petty sessions, or of some magistrate or officer sitting alone or with others at some court or other place appointed for the public administration of justice, and for the time being empowered by law to do alone any act authorised to be done by more than one justice of the peace.

Where a proceeding is taken before a court of summary jurisdiction with respect to an offence against this Act alleged to be committed in or with reference to a factory or workshop, the occupier of that factory or workshop and the father, son, or brother of such occupier, shall not be qualified to act as a member of such court.

90. If any person feels aggrieved by a conviction or order made by a court of summary jurisdiction on determining an information or complaint under this Act, he may appeal therefrom; subject, in England, to the conditions and regulations following:

Appeal to quarter sessions.

(1.) The appeal shall be made to the next practicable court of general or quarter sessions. (b)

[*The rest of the section is repealed by 47 & 48 Vict. c. 43. s. 4.*]

(a) That is, under 1878 s. 82, as extended by 1895 s. 13, relating to penal compensation.

(b) The repealed part of this section related to procedure on appeal. Appeals from convictions and orders under these Acts are now regulated by the Summary Jurisdiction Acts (47 & 48 Vict. c. 43. s. 5). It may be stated generally that an appeal lies on questions of fact to quarter sessions (47 & 48 Vict. c. 43. s. 6; 42 & 43 Vict. c. 49. s. 31), and on questions of law, by means of a special case, to the Queen's Bench Division (42 & 43 Vict. c. 49. s. 33).

Limitation of time and general provisions as to summary proceedings.

91. The following provisions shall have effect with respect to summary proceedings for offences and fines under this Act :

- [(1.) *The information shall be laid within two months, or, where the offence is punishable at discretion by imprisonment, or is a breach of the provisions of this Act with respect to holidays, within three months after the commission of the offence :*] (a)
- [(2.) *The description of an offence in the words of this Act, or in similar words, shall be sufficient in law :*
- (3.) *Any exception, exemption, proviso, excuse, or qualification, whether it does or not accompany the description of the offence in this Act, may be proved by the defendant, but need not be specified or negatived in the information, and if so specified or negatived, no proof in relation to the matter so specified or negatived shall be required on the part of the informant :*] (b)
- (4.) It shall be sufficient to allege that a factory or workshop is a factory or workshop within the meaning of this Act, without more :
- (5.) It shall be sufficient to state the name of the ostensible occupier of the factory or workshop or the title of the firm by which the occupier employing persons in the factory or workshop is usually known :
- (6.) [*A conviction or order made in any matter arising under this Act, either originally or on appeal, shall not be quashed for want of form, and*] (c) a conviction or order made by a court of summary jurisdiction against which a person is authorised by this Act to appeal shall not be removed by certiorari or otherwise, either at the instance of the Crown or of any private person, into a superior court, except for the purpose of the hearing and determination of a special case.

Evidence in summary proceedings.

92. If a person is found in a factory, (d) except at meal times, or while all the machinery of the factory is stopped, or for the sole purpose of bringing food to the persons employed in the factory between the hours of four and five o'clock in the afternoon, such person shall, until the contrary is proved, be deemed for the purposes of this Act to have been then employed in the factory :

Provided that yards, playgrounds, and places open to the public view, school rooms, waiting rooms, and other rooms belonging to the factory in which no machinery is used or manufacturing process carried on, shall not be taken to be any part of the factory within the meaning of this enactment ; and this enactment shall not apply

(a) This paragraph is repealed by 1891 sched. 2. Its place is taken by 1891 s. 29, which fixes the period of limitation for any offence at three months from the time when it came to the knowledge of the inspector for the district, with a longer period in case of an inquest.

(b) These two paragraphs are now repealed, and the Summary Jurisdiction Acts take their place (47 & 48 Vict. c. 43. ss. 4, 5).

(c) These words are now repealed, and the Summary Jurisdiction Acts take their place (47 & 48 Vict. c. 43. ss. 4, 5).

(d) This section now applies to workshops as well as to factories (1891 s. 30).

to a factory or workshop to which the provisions of this Act with respect to the affixing of notices do not apply.^(a)

Where a child or young person is, in the opinion of the court, apparently of the age alleged by the informant, it shall lie on the defendant to prove that the child or young person is not of that age.

A declaration in writing by a certifying surgeon for the district that he has personally examined a person employed in a factory or workshop in that district, and believes him to be under the age set forth in the declaration, shall be admissible in evidence of the age of that person.

A copy of a conviction for an offence against this Act purporting to be certified under the hand of the clerk of the peace having the custody of such conviction to be a true copy shall be receivable as evidence, and every such clerk of the peace shall, upon the written request of an inspector and payment of a fee of one shilling, deliver to him a copy of the conviction so certified.

PART IV.

DEFINITIONS, SAVINGS, APPLICATION TO SCOTLAND AND IRELAND, AND REPEAL.

(1.) *Definitions.*

93. The expression “textile factory” in this Act means—
any premises wherein or within the close or curtilage of which steam, water, or other mechanical power is used to move or work any machinery employed in preparing, manufacturing, or finishing, or in any process incident to the manufacture of, cotton^(b), wool, hair, silk, flax, hemp, jute, tow, china grass, cocoanut fibre, or other like material, either separately or mixed together, or mixed with any other material, or any fabric made thereof:

Factories and
workshops to
which Act
applies.

Provided that print works, bleaching and dyeing works, lace warehouses, paper mills, flax scutch mills, rope works, and hat works shall not be deemed to be textile factories.

The expression “non-textile factory” in this Act means—

- (1.) any works, warehouses, furnaces, mills, foundries, or places named in Part One of the Fourth Schedule to this Act.
- (2.) also any premises or places named in Part Two of the said schedule wherein or within the close or curtilage or precincts

(a) That is to “domestic workshops” (including certain factories) as defined by 1878 s. 16.

(b) The term “manufacture of cotton” includes a process by which cotton is both made and applied to some other substance (*e.g.* to strips of steel for crinolines), *Whympers v. Harvey*, 34 L.J. M.C. 113. The term “process incident to the manufacture of cotton” includes a process of winding cotton (brought to the factory in hanks) on to cops and thence on to spools, *Haydon v. Taylor*, 33 L.J. M.C. 30.

of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

(3.) also any premises whercin or within the close or curtilage or precincts of which, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes, or any of them; that is to say,

(a.) in or incidental to the making of any article or of part of any article, or

(b.) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(c.) in or incidental to the adapting for sale of any article, and wherein, or within the close or curtilage or precincts of which, steam, water, or other mechanical power is used in aid of the manufacturing process carried on there.

The expression “factory” in this Act means textile factory and non-textile factory, or either of such descriptions of factories.

The expression “workshop” in this Act means —

(1.) any premises or places named in Part Two of the Fourth Schedule to this Act, which are not a factory within the meaning of this Act,

(2.) also any premises, room, or place not being a factory within the meaning of this Act, in which premises, room, or place, or within the close or curtilage or precincts of which premises, any manual labour is exercised by way of trade or for purposes of gain in or incidental to the following purposes or any of them; that is to say,

(a.) in or incidental to the making of any article or of part of any article, or

(b.) in or incidental to the altering, repairing, ornamenting, or finishing of any article, or

(c.) in or incidental to the adapting for sale of any article, and to which or over which premises, room, or place the employer of the persons working therein has the right of access or control.

A part of a factory or workshop may for the purposes of this Act be taken to be a separate factory or workshop(a); and [*a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act*].(b)

Where a place situate within the close, curtilage, or precincts forming a factory or workshop is solely used for some purpose other than the manufacturing process or handicraft carried on in the factory or workshop, such place shall not be deemed to form part of that factory or workshop for the purposes of this Act, but

(a) Compare 1895 s. 39.

(b) For these words there are substituted the words “a room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act” (1891 s. 31).

shall, if otherwise it would be a factory or workshop, be deemed to be a separate factory or workshop, and be regulated accordingly.

Any premises or place shall not be excluded from the definition of a factory or workshop, by reason only that such premises or place are or is in the open air.^(a)

This Act shall not apply to such workshops other than bake-houses as are conducted on the system of not employing any child, young person, or woman therein, but save as aforesaid applies to all factories and workshops as before defined, inclusive of factories and workshops belonging to the Crown; provided that in case of any public emergency a Secretary of State may exempt a factory or workshop belonging to the Crown from this Act to the extent and during the period named by him.

The exercise by any child or young person in any recognised efficient school during a portion of the school hours of any manual labour for the purpose of instructing such child or young person in any art or handicraft shall not be deemed to be an exercise of manual labour for the purpose of gain within the meaning of this Act.

94. A child, young person, or woman who works in a factory or workshop, whether for wages or not,^(b) either in a manufacturing process or handicraft, or in cleaning any part of the factory or workshop used for any manufacturing process or handicraft, or in cleaning or oiling any part of the machinery, or in any other kind of work whatsoever incidental to or connected with the manufacturing process or handicraft, or connected with the article made or otherwise the subject of the manufacturing process or handicraft therein, shall, save as is otherwise provided by this Act, be deemed to be employed therein within the meaning of this Act.

Definition of
employment and
working for hire.

For the purposes of this Act an apprentice shall be deemed to work for hire.

95. The expression "certified efficient school" in this Act means a public elementary school within the meaning of the Elementary Education Acts, 1870 and 1873, and any workhouse school in England certified to be efficient by the Local Government Board, and also any elementary school which is not conducted for private profit and is open at all reasonable times to the inspection of Her Majesty's inspectors of schools, and requires the like attendance from its scholars as is required in a public elementary school, and keeps such registers of those attendances as may be for the time being required by the Education Department, and is certified by the Education Department to be an efficient school; and the expres-

Definition of
"certified
efficient school."
33 & 34 Vict.
c. 75.
36 & 37 Vict.
c. 86.

Definition of
"recognised
efficient school."

(a) This paragraph meets the decisions in *Kent v. Astley*, L.R. 5 Q.B. 19, and *Redgrave v. Lee*, L.R. 9 Q.B. 363, that the term "factories" did not include quarries and cement works respectively, in which the work as a whole was done in the open air. Quarries are now expressly included among non-textile factories and workshops (1878 sched. 4, part 2 (25)).

(b) These words cover the case of a child learning a manufacturing process or handicraft (*Beadon v. Parrott*, L.R. 6 Q.B. 718).

33 & 34 Vict.
c. 75.

sion “recognised efficient school” means a certified efficient school as above defined, and also any school which the Education Department have not refused to take into consideration under the Elementary Education Act, 1870, as a school giving efficient elementary education to and suitable for the children of a school district, and which is recognised for the time being by an inspector under this Act as giving efficient elementary education, and the inspector shall immediately report to the Education Department every school so recognised by him.

General defini-
tions.
“Child.”

96. In this Act, unless the context otherwise requires,—

The expression “child” means a person under the age of fourteen years :

“Young person.”

The expression “young person” means a person of the age of fourteen years and under the age of eighteen years :

“Woman.”

The expression “woman” means a woman of eighteen years of age and upwards :

“Parent.”

The expression “parent” means a parent or guardian of, or person having the legal custody of, or the control over, or having direct benefit from the wages, of a child or young person :

“Treasury.”

The expression “Treasury” means the Commissioners of Her Majesty’s Treasury :

“Secretary of State.”

The expression “Secretary of State” means one of Her Majesty’s Principal Secretaries of State :

“Education Department.”

The expression “Education Department” means the Lords of the Committee of the Privy Council on Education :

“Sanitary authority.”
33 & 39 Vict.
c. 55.

The expression “sanitary authority” means an urban or rural sanitary authority^(a) within the meaning of the Public Health Act, 1875, and any commissions, board, or vestry in the metropolis having the like powers as such urban sanitary authority:^(b)

“Person.”

The expression “person” includes a body of persons corporate or unincorporate :

“Week.”

The expression “week” means the period between midnight on Saturday night and midnight on the succeeding Saturday night :

“Night.”

The expression “night” means the period between nine o’clock in the evening and six o’clock in the succeeding morning :

“Prescribed.”

The expression “prescribed” means prescribed for the time being by a Secretary of State :

“Summary Jurisdiction Act.”

The expression “Summary Jurisdiction Acts” means the Act of the session of the eleventh and twelfth years of the reign of Her present Majesty, chapter forty-three, intituled “An Act “to facilitate the performance of the duties of justices of the “peace out of sessions within England and Wales with respect “to summary convictions and orders,” and any Acts amending the same :

(a) Now the urban or rural district council (56 & 57 Vict. c. 73. s. 21).

(b) For these bodies, *see* 54 & 55 Vict. c. 7. s. 97 subs. (1).

The expression “court of summary jurisdiction” means any justice or justices of the peace, metropolitan police magistrate, stipendiary or other magistrate, or officer, by whatever name called, to whom jurisdiction is given by the Summary Jurisdiction Acts or any Acts therein referred thereto: “Court of summary jurisdiction.”

The expression “mill-gearing” comprehends every shaft, whether upright, oblique, or horizontal, and every wheel, drum, or pulley by which the motion of the first moving power is communicated to any machine appertaining to a manufacturing process^(a). “Mill-gearing.”

The factories and workshops named in the Fourth Schedule to this Act are in this Act referred to by the names therein assigned to them.

Special exemption of certain Trades.

97. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour by way of trade or for purposes of gain in or incidental to any of the handicrafts specified in the Fifth Schedule to this Act, shall not of itself constitute such house or room a workshop within the meaning of this Act. Exemption of handicrafts in Fifth Schedule in private houses.

When it is proved to the satisfaction of a Secretary of State that by reason of the light character of the handicraft carried on in any private house or private room by the family dwelling therein, or by any of them, it is expedient to extend this section to that handicraft, he may by order extend the same.

The order shall be made in manner provided by Part Two of this Act, and that part shall apply so far as circumstances admit as if the order were an order extending an exception.

98. The exercise in a private house or private room by the family dwelling therein, or by any of them, of manual labour for the purposes of gain in or incidental to some of the purposes in this Act in that behalf mentioned, shall not of itself constitute such house or room a workshop where the labour is exercised at irregular intervals, and does not furnish the whole or principal means of living to such family. Exemption of certain home-work.

(2.) *Savings.*

99. Where in a factory the owner or hirer of a machine or implement moved by steam, water, or other mechanical power, in or about or in connexion with which machine or implement children, young persons, or women are employed, is some person other than the occupier of a factory, and such children, young persons, or women are in the employment and pay of the owner or hirer of such machine or implement, in any such case such owner or hirer shall, so far as respects any offence against this Act which may be committed in relation to such children, young persons, or women, be deemed to be the occupier of the factory. Saving as to liability of hirer of machine where not occupier.

(a) The term “mill-gearing” includes every wheel except the operative wheel with which the manufacturing process is directly effected (*Holmes v. Clarke*, 6 H. & N. 349; 30 L.J. Ex. 135; 3 L.T. 675; 9 W.R. 419).

Saving for person employed in repair of machinery or of factory or workshop, or in process of curing fish.

100. Nothing in this Act shall extend—

- (1.) To any young person, being a mechanic, artisan, or labourer, working only in repairing either the machinery in or any part of a factory or workshop; or
- (2.) To the process of gutting, salting, and packing fish immediately upon its arrival in the fishing boats.

Application to factories and workshops of 38 & 39 Vict. c. 55.

101. The provisions of section ninety-one of the Public Health Act, 1875, with respect to a factory, workshop, or workplace not kept in a cleanly state or not ventilated or overcrowded, shall not apply to a factory [*or workshop*](a) which is subject to the provisions of this Act relating to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace.(b)

It is hereby declared that the Public Health Act, 1875, shall apply to buildings in which persons are employed, whatever their number may be, in like manner as it applies to buildings where more than twenty are employed(c).

Construction of enactments, &c. referring to repealed Acts.

102. Any enactment or document referring to the Acts repealed by this Act, or any of them, or to any enactment thereof, shall be construed to refer to this Act and to the corresponding enactment thereof.

(3.) *Application of Act to Scotland and Ireland.*

[103. *Temporary saving for employment of children under ten, and of children of thirteen as young persons—now obsolete.*]

Certificates of birth for purposes of Act.

104. Where the age of any child(d) is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child, any person, on presenting a written requisition in such form and containing such particulars as may be from time to time prescribed by a Secretary of State, and on payment of such fee, not exceeding one shilling(e) as a Secretary of State from time to time fixes, shall be entitled to obtain—

- (1.) In Scotland an extract under the hand of the registrar under the Act of the seventeenth and eighteenth years of Her present Majesty, chapter eighty, and any Acts amending the same, of the entry in the register kept under those Acts; and

(a) These words are repealed (1891 sched. 2).

(b) The object of this section is to prevent a clashing of the authorities for administering the law. The authorities now are, for factories the inspector, for workshops (since the Act of 1891) the local authorities and their officers. See note (a) on 1878 s. 3.

(c) By s. 4 of the Public Health Act, 1875, "house" was defined to include factories and other buildings in which more than twenty persons are employed at one time. This amendment extends the provisions of the Public Health Act with regard to drainage, water supply, and sanitary condition generally, to all buildings where any person is employed.

(d) This section now applies to a young person under 16 in like manner as to a child (1891 s. 35).

(e) The maximum is now 6d. (1891 s. 35), and that sum has been fixed by Order made February 9 1892.

- (2.) In Ireland a certified copy under the hand of the registrar or superintendent registrar under the Registration of Births and Deaths (Ireland) Act of the entry in the register under that Act of the birth of the child named in the requisition. 26 & 27 Vict. c. 11.

105. In the application of this Act to Scotland—

Application of
Act to Scotland.

- (1.) The expression “certified efficient school” means any public or other elementary school under Government inspection;
- (2.) In lieu of Christmas Day and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of two days separated from each other by an interval of not less than three months, one of which shall be a day set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, or some other day substituted for such day as aforesaid by the occupier specifying the same in the notice affixed in the factory or workshop^(a). 38 & 39 Vict. c. 13.
- (3.) The expression “sanitary authority” means the local authority under the Public Health (Scotland) Act, 1867: 30 & 31 Vict. c. 101.
- (4.) The expression “medical officer of health” means the medical officer under the Public Health (Scotland) Act, 1867, or where no such officer has been appointed, the medical officer appointed by the parochial board:
- The expression “poor law medical officer” means the medical officer appointed by the parochial board:
- (5.) The expression “Companies Clauses Consolidation Act, 1845,” means the Companies Clauses Consolidation (Scotland) Act, 1845: 8 & 9 Vict. c. 16.
8 & 9 Vict. c. 17.
- (6.) The expression “Summary Jurisdiction Act” means the Summary Procedure Act, 1864, and any Acts amending the same: 27 & 28 Vict. c. 53.
- (7.) The expression “court of summary jurisdiction” means the sheriff of the county or any of his substitutes:
- (8.) The expression “Education Department” means the Lords of the Committee of the Privy Council appointed by Her Majesty on Education in Scotland:
- (9.) The expression “county court” means the sheriff court:
- (10.) All matters required by this Act to be published in the London Gazette shall (if they relate exclusively to Scotland), instead of being published in the London Gazette, be published in the Edinburgh Gazette only:
- (11.) The expression “information” means petition or complaint:
- (12.) The expression “informant” means petitioner, pursuer, or complainer:
- (13.) The expression “defendant” means defender or respondent:
- (14.) The expression “clerk of the peace” means sheriff clerk:

(a) This paragraph is now superseded by paragraph (4) of 1891, s. 33.

- (15.) All offences under this Act shall be prosecuted and all penalties under this Act shall be recovered under the provisions of the Summary Jurisdiction Acts, at the instance of the procurator fiscal or of an inspector under this Act:
- (16.) The court may make, and may also from time to time alter or vary, summary orders under this Act on petition by such procurator fiscal or inspector presented in common form:
- (17.) All fines under this Act in default of payment, and all orders made under this Act failing compliance, may be enforced by imprisonment for a term to be specified in the order or conviction, but not exceeding three months:
- (18.) It shall be no objection to the competency of an inspector to give evidence as a witness in any prosecution for offences under this Act, that such prosecution is brought at the instance of such inspector:
- (19.) Every person convicted of an offence under this Act shall be liable in the reasonable costs and charges of such conviction:
- (20.) All penalties imposed and recovered under this Act shall be paid to the clerk of the court, and by him accounted for and paid to the Queen's and Lord Treasurer's Remembrancer, on behalf of Her Majesty's Exchequer, and shall be carried to the Consolidated Fund:
- (21.) All jurisdictions, powers, and authorities necessary for the purposes of this section are conferred on the sheriffs and their substitutes:
- (22.) Any person may appeal from any order or conviction under this Act to the Court of Justiciary, under and in terms of the Act of the twentieth year of the reign of His Majesty King George the Second, chapter forty-three, or under any enactment amending that Act, or applying or incorporating its provisions, or any of them, with regard to appeals, or to the Court of Justiciary at Edinburgh under and in terms of the Summary Prosecutions Appeal (Scotland) Act, 1875.

38 & 39 Vict. c. 2.

Application of
Act to Ireland.

106. In the application of this Act to Ireland—

- (1.) The expression “certified efficient school” means any national school, or any school recognised by the Lord Lieutenant and Privy Council as affording sufficient means of literary education for the purposes of this Act:
- [(2.) (a) *In lieu of any two half-holidays allowed under the provisions of subsection (2) in section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March: Provided, that when this date falls on a Sunday, this subsection shall have no effect as regards such date:*]

(a) For this subsection another subsection is substituted by 1891 s. 34, allowing Good Friday or Easter Tuesday as an alternative to March 17.

- (3.) The expression “sanitary authority” means an urban or rural sanitary authority within the meaning of the Public Health (Ireland) Act, 1874, and any Act amending the same: 37 & 38 Vict. c. 93.
- (4.) The expression “medical officer of health” means the medical sanitary officer of the sanitary district:
The expression “poor law medical officer” means the dispensary doctor:
- (5.) Any act authorised to be done or consent required to be given by the Education Department under this Act shall be done and given by the Lord Lieutenant or Lords Justices of Ireland, acting by and with the advice of the Privy Council in Ireland:
- (6.) The expression “county court” means the civil bill court:
- (7.) The expression “Summary Jurisdiction Acts” means, within the police district of Dublin metropolis, the Acts regulating the powers and duties of justices of the peace for such district, or of the police of such district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and any Act amending the same: 14 & 15 Vict. c. 93.
- (8.) A court of summary jurisdiction when hearing and determining an information or complaint in any matter arising under this Act shall be constituted within the police district of Dublin metropolis of one of the divisional justices of that district sitting at a police court within the district, and elsewhere of a stipendiary magistrate sitting alone, or with others, or of two or more justices of the peace sitting in petty sessions at a place appointed for holding petty sessions:
- (9.) Appeals from a court of summary jurisdiction shall lie in the manner and subject to the conditions and regulations prescribed in the twenty-fourth section of the Petty Sessions (Ireland) Act, 1851, and any Acts amending the same: 14 & 15 Vict. c. 93.
- (10.) All fines imposed under this Act shall, save as is otherwise expressly provided by this Act, be applied in the manner directed by the Fines Act (Ireland), 1851, and any Act amending the same: 14 & 15 Vict. c. 90.
- (11.) The provisions of section nineteen of the Public Health Act, 1866, or of any enactment substituted for that section with respect to any factory, workshop, or workplace not kept in a cleanly state, or not ventilated, or overcrowded shall not apply to any factory or workshop which is subject to the provisions of this Act with respect to cleanliness, ventilation, and overcrowding, but shall apply to every other factory, workshop, and workplace:
It is hereby declared that the Sanitary Acts within the meaning of the Public Health (Ireland) Act, 1874,(a) shall 37 & 38 Vict. c. 93.

(a) This is to be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same (1895 s. 52).

apply to buildings in which persons are employed, whatever their number may be, in like manner as they apply to buildings where more than twenty persons are employed :

- (12.) All matters required by this Act to be published in the London Gazette shall, if they relate exclusively to Ireland, instead of being published in the London Gazette, be published in the Dublin Gazette only.

(4.) *Repeal.*

[107. *This section relating to the repeal of previous Acts, is repealed by 57 & 58 Vict. c. 56.*]

Section 38.

SCHEDULES.

FIRST SCHEDULE.

SPECIAL PROVISIONS FOR HEALTH.

Factories and Workshops in which the Employment of Young Persons and Children is restricted.

Restriction of employment of young persons and children ;

1. In a part of a factory or workshop in which there is carried on—
the process of silvering of mirrors by the mercurial process ; or
the process of making white lead,
a young person or child shall not be employed.

of children, &c. in glass works ;

2. In the part of a factory in which the process of melting or annealing glass is carried on a child or female young person shall not be employed.

of girls under 16 in certain employments ;

3. In a factory or workshop in which there is carried on—
(a.) the making or finishing of bricks or tiles not being ornamental tiles ; or
(b.) the making or finishing of salt,
a girl under the age of sixteen years shall not be employed.

of children in metal grinding and lucifer match dipping.

4. In a part of a factory or workshop in which there is carried on—
(a.) any dry grinding in the metal trade, or
(b.) the dipping of lucifer matches,
a child shall not be employed.

Section 39.

SECOND SCHEDULE.

SPECIAL RESTRICTIONS.

Places forbidden for Meals.

As to parts of factories or workshops in

The prohibition on a child, young person, or woman taking a meal or remaining during the times allowed for meals in certain parts of

factories or workshops applies to the parts of factories and workshops following; that is to say,

- (1.) In the case of glass works, to any part in which the materials are mixed; and
- (2.) In the case of glass works where flint glass is made, to any part in which the work of grinding, cutting, or polishing is carried on; and
- (3.) In the case of lucifer-match works, to any part in which any manufacturing process or handicraft (except that of cutting the wood) is usually carried on; and
- (4.) In the case of earthenware works, to any part known or used as dippers house, dippers drying room, or china scouring room.^(a)

which children, young persons, and women are forbidden to take meals.

THIRD SCHEDULE.

SPECIAL EXCEPTIONS.

[Part One, relating to employment from 8 to 8, is repealed, together with s. 42, by 1895, sched. 3.]

PART TWO.

Section 52.

Meal Hours.

The cases in which the provisions of this Act as to meal times being allowed at the same hour of the day are not to apply are—

- (1.) The case of children, young persons, and women employed in the following factories; that is to say,
Blast furnaces,

Cases in which provisions as to meal times are not to apply.

(a) This prohibition has, by Order gazetted December 22 1882, been extended to the following places:—

Every part of a Factory or Workshop in which part wool or hair is sorted or dusted, or in which rags are sorted, dusted, or ground.

Every part of a Textile Factory in which part gassing is carried on.

Every part of a Printwork, Bleachwork, or Dyework in which part singeing is carried on.

Every part of a Factory or Workshop in which part any of the following processes are carried on:—

Grinding, glazing, or polishing on a wheel.

Brass-casting, typefoundry.

Dipping metal in aquafortis or other acid solution.

Metal-bronzing.

Majolica painting on earthenware.

Catgut cleaning and repairing.

Cutting, turning, polishing bone, ivory, pearlshell, snailshell.

Every Factory or Workshop in which chemicals or artificial manures are manufactured, except any room used solely for meals.

Every Factory or Workshop in which White Lead is manufactured, except any room thereof used solely for Meals.

Every part of a Factory or Workshop in which part dry powder or dust is used in any of the following processes:—

Lithographic printing.

Playing-card making.

Fancy box making.

Paper staining.

Almanack making.

Artificial flower making.

Paper colouring and enamelling.

Colour making.

Iron mills,
 Paper mills,
 Glass works, and
 Letter-press printing works ; and

- (2.) The cases of male young persons employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on.

The cases in which and the extent to which the provisions of this Act as to a child, young person, or woman during the times allowed for meals being employed or being allowed to remain in a room in which a manufacturing process or handicraft is being carried on, are not to apply are—

- (1.) The case of children, young persons, and women employed in the following factories ; that is to say,

Iron mills,
 Paper mills,
 Glass works (save as otherwise provided by this Act)(a), and
 Letter-press printing works ; and

- (2.) The case of a male young person employed in that part of any print works or bleaching and dyeing works in which the process of dyeing or open-air bleaching is carried on, to this extent, that the said provisions shall not prevent him during the times allowed for meals to any other young person or to any child or woman, from being employed or being allowed to remain in any room in which any manufacturing process is carried on, and shall not prevent, during the times allowed for meals to such male young person, any other young person or any child or woman from being employed in the factory or allowed to remain in any room in which any manufacturing process is carried on.(b)

(a) See Schedule 2 above.

(b) Both of these exceptions, relating to different meal hours and to employment during meal hours, have, by Order gazetted December 22 1882, been extended to the following places :—

- (1.) Textile factories wherein female young persons or women employed in a distinct department in which there is no machinery, commence work at a later hour than the men and other young persons, subject to the condition that all in the same department shall have their meals at the same time.
- (2.) Non-textile factories and workshops wherein is carried on the making of wearing apparel.
- (3.) Non-textile factories and workshops wherein there are two or more departments or sets of young persons, subject to the condition that all in the same department or set shall have their meals at the same time.
- (4.) The following non-textile factories and workshops, viz. :—
- | | |
|-------------------------------|------------------------------|
| Dressing floors, | } in the county of Cornwall. |
| Tin streams, | |
| China clay pits and quarries, | |

Both exceptions have also, by Orders gazetted March 1 1887, been extended to non-textile factories wherein is carried on the making of bread or biscuits by means of travelling ovens.

The exception relating to employment during meal hours has also, by Order gazetted December 22 1892, been extended to quarries in the county of Cornwall.

PART THREE.

Section 53.

Overtime.

The exception with respect to the employment of [young persons and] women for forty-eight days in any twelve months during a period of employment, beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening, or beginning at eight o'clock in the morning and ending at ten o'clock in the evening, applies to each of the (a) factories and workshops, and parts thereof, following; that is to say,

Factories and workshops in which young persons and women may be allowed to work for 14 hours a day under certain restrictions.

(1.) Where the material which is the subject of the manufacturing process or handicraft is liable to be spoiled by weather; namely,

(a.) Flax scutch mills; and

(b.) A factory or workshop or part thereof in which is carried on the making or finishing of bricks or tiles not being ornamental tiles; and

(c.) The part of rope works in which is carried on the open-air process; and

(d.) The part of bleaching and dyeing works in which is carried on open-air bleaching or Turkey red dyeing; and

(e.) A factory or workshop or part thereof in which is carried on glue making; and

(2.) Where press of work arises at certain recurring seasons of the year; namely,

(f.) Letter-press printing works;

(g.) Bookbinding works; and

a factory, workshop, or part thereof in which is carried on the manufacturing process or handicraft of—

(h.) Lithographic printing; or

(i.) Machine ruling; or

(k.) Firewood cutting; or

(l.) Bon-bon and Christmas present making; or

(m.) Almanac making; or

(n.) Valentine making; or

(o.) Envelope making; or

(p.) Aërated water making; or

(q.) Playing card making; and

(3.) Where the business is liable to sudden press of orders arising from unforeseen events; namely,

a factory or workshop, or part thereof, in which is carried on the manufacturing process or handicraft of—

(r.) The making up of any article of wearing apparel; or

(s.) The making up of furniture hangings; or

(t.) Artificial flower making; or

(u.) Fancy box making; or

(v.) Biscuit making; or

(a) Before "factories," "non-textile" is to be inserted (1895 s. 37 subs. (2)).

(w.) Job dyeing; [*and also,*

(x.) *A part of a factory or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing up goods.](a)*

Provided that the said exception shall not apply—

(a.) Where persons are employed at home, that is to say, to a private house, room, or place which, though used as a dwelling, is by reason of the work carried on there a factory or workshop within the meaning of this Act, and in which neither steam, water, nor other mechanical power is used, and in which the only persons employed are members of the same family dwelling there; or

(b.) To a workshop or part thereof which is conducted on the system of not employing any child or young person therein.(b)

(a) For these words a new paragraph has been substituted by 1895 s. 37 subs. (2), making it clear that the exception applies to all warehouses either in textile or in non-textile factories.

(b) This exception under s. 53 allowing overtime has been extended to the following occupations and places:—

The occupation of—

Die-sinking,
Cardboard making,
Paper colouring and enamelling,
Rolling of tea-lead.

The occupation of—

The making of Gas-holders, Boilers, and other apparatus, partly manufactured in the open air.

The following non-textile factories and workshops, viz:—

Dressing floors,	} in the county of Cornwall.
Tin streams,	
China clay pits, and	
Quarries,	

Non-textile factories in which the only processes carried on are the processes of calendering, finishing, hooking, lapping, or making up and packing of any yarn or cloth, or any of such processes.

Workshops wherein the manufacture of fireworks is carried on.

(The above are by Order gazetted December 22 1882).

The making of pork pies (Order gazetted November 27 1883).

The processes of warping, winding, or filling, or either of them, as incidental to the weaving of ribbons in workshops (Order gazetted March 14 1884).

The processes carried on in non-textile factories of calendering, finishing, hooking, lapping, or making up and packing, of any yarn or cloth, or any of such processes, and none other (Order gazetted September 2 1884), but not if such process is carried on in any bleach works or dye works in Lancashire or Cheshire (Order gazetted April 26 1887).

Such parts of non-textile factories as are used for the carrying on of the occupation of pattern card making (Order gazetted April 6 1888).

Such parts of non-textile factories as are used for the carrying on of the operation of milling, perforating, or gumming Inland Revenue stamps and postal stationery (Order gazetted September 17 1889).

Non-textile factories wherein the manufacture of fireworks is carried on (Order gazetted October 17 1890).

All the above exceptions were granted subject to the condition that there should be 400 cubic feet of space for each person employed by virtue of them. This space is now compulsory in case of all overtime employment, with regard to all persons so employed (1895 s. 1).

PART FOUR.

Section 51.

Additional Half Hour.

The exception with respect to the employment of a child, young person, or woman for a further period of thirty minutes where the process is in an incomplete state applies to the factories following; (that is to say),

Factories in which a child, young person, or woman may be employed for an additional half hour.

- (a.) Bleaching and dyeing works;
- (b.) Print works;
- (c.) Iron mills in which male young persons are not employed during any part of the night;
- (d.) Foundries in which male young persons are not employed during any part of the night; and
- (e.) Paper mills in which male young persons are not employed during any part of the night. (a)

PART FIVE.

Section 52.

Overtime for Perishable Articles.

The exception with respect to the employment of women for ninety-six days in any twelve months during a period of employment beginning at six or seven o'clock in the morning and ending at eight or nine o'clock in the evening applies to a factory or workshop or part thereof in which any of the following processes is carried on; namely,

Factories and workshops in which women may be employed for 14 hours a day.

- The process of making preserves from fruit,
- The process of preserving or curing fish, or
- The process of making condensed milk. (b)

PART SIX.

Section 53.

Night Work.

The exception with respect to the employment of male young persons during the night applies to the factories following; (that is to say),

Factories in which male young persons may be employed at night.

- (a.) Blast furnaces,
- (b.) Iron mills,

(a) This exception has, by Order gazetted December 22 1882, been extended to the following places:—

Non-textile factories and workshops or parts thereof in which is carried on the process of baking of bread or biscuits.

The following non-textile factories and workshops, viz.:

Dressing floors,	} in the county of Cornwall.
Tin streams,	
China clay pits, and	
Quarries,	

(b) This exception has, by Order gazetted August 22 1893, been extended to non-textile factories in which are carried on the occupations of preparing cream and making butter and cheese.

(c.) Letter-press printing works, and

(d.) Paper mills.(a)

Section 48.

PART SEVEN.

Spell.

Continuous employment of children, young persons, and women for five hours in certain textile factories during the winter months.

The exception respecting the continuous employment in certain textile factories during the winter months of children, young persons, and women without an interval of at least half an hour for a meal for the same period as in a non-textile factory, applies to textile factories solely used for—

(a.) The making of elastic web; or

(b.) The making of ribbon; or

(c.) The making of trimming.(b)

FOURTH SCHEDULE.

LIST OF FACTORIES AND WORKSHOPS.

Sections 93, 96.

PART ONE.

Non-Textile Factories.

“Print works.”

(1.) “Print works,” that is to say, any premises in which any persons are employed to print figures, patterns, or designs upon any cotton, linen, woollen, worsted, or silken yarn, or upon any woven or felted fabric not being paper;

(a) This exception has been extended, as far as relates to the employment of male young persons of 16 and upwards, to the following places and occupations :—

Oil and seed crushing mills (factories).

Copper and yellow metal rolling mills.

Iron and metal tube works in which the furnaces used are Siemens' gas furnaces.

The knocking out and cutting departments of non-textile factories engaged in the refining of loaf sugar.

Such parts of mineral dressing floors in Cornwall (whether non-textile factories or workshops) as are appropriated to the processes of calcining and stamping.

(The above are by Order gazetted December 22 1882).

The process of galvanising metal in non-textile factories (Order gazetted June 29 1888).

Iron and metal tube works in which furnaces are used (Order gazetted June 11 1889).

China clay works (Order gazetted May 11 1894).

The process of iron ore washing (Order gazetted July 3 1894).

(b) This exception has, by Order gazetted December 22 1882, been extended to the following factories :—

Hosiery factories.

Woollen factories in the counties of Oxford, Wilts, Worcester, Gloucester, and Somerset.

Factories in which the only processes carried on are those of winding and throwing raw silk or either of such processes.

(2.) "Bleaching and dyeing works," that is to say, any premises in which the processes of bleaching, beetling, dyeing, calendering, finishing, hooking, lapping, and making up and packing any yarn or cloth of any material, or the dressing or finishing of lace, or any one or more of such processes, or any process incidental thereto, are or is carried on^(a) ;

"Bleaching and dyeing works."

(3.) "Earthenware works," that is to say, any place in which persons work for hire in making or assisting in making, finishing, or assisting in finishing, earthenware^(b) of any description, except bricks and tiles not being ornamental tiles ;

"Earthenware works."

(4.) "Lucifer-match works," that is to say, any place in which persons work for hire in making lucifer matches, or in mixing the chemical materials for making them, or in any process incidental to making lucifer matches, except the cutting of the wood ;

"Lucifer-match works."

(5.) "Percussion-cap works," that is to say, any place in which persons work for hire in making percussion caps, or in mixing or storing the chemical materials for making them, or in any process incidental to making percussion caps ;

"Percussion-cap works."

(6.) "Cartridge works," that is to say, any place in which persons work for hire in making cartridges, or in any process incidental to making cartridges, except the manufacture of the paper or other material that is used in making the cases of the cartridges ;

"Cartridge works."

(7.) "Paper-staining works," that is to say, any place in which persons work for hire in printing a pattern in colours upon sheets of paper, either by blocks applied by hand, or by rollers worked by steam, water, or other mechanical power ;

"Paper-staining works."

(8.) "Fustian-cutting works," that is to say, any place in which persons work for hire in fustian cutting ;

"Fustian-cutting works."

(9.) "Blast furnaces," that is to say, any blast furnace or other furnace or premises in or on which the process of smelting or otherwise obtaining any metal from the ores is carried on ;

"Blast furnaces."

(10.) "Copper mills" ;

"Copper mills."

(11.) "Iron mills," that is to say, any mill, forge, or other premises in or on which any process is carried on for converting iron into malleable iron, steel, or tin plate, or for otherwise making or converting steel ;

"Iron mills."

(12.) "Foundries," that is to say, iron foundries, copper foundries, brass foundries, and other premises or places in which the process of founding or casting any metal is carried on ; except any premises or places in which such process is carried on by not more than five persons and as subsidiary to the repair or completion of some other work ;

"Foundries."

(13.) "Metal and india-rubber works," that is to say, any premises in which steam, water, or other mechanical power is used for moving machinery employed in the manufacture of machinery, or in the manufacture of any article of metal not being machinery, or

"Metal and india-rubber works."

(a) For the history of this definition, see *Howarth v. Coles*, 12 C.B.N.S. 139, 31 L.J.M.C. 262, and the statutes 26 & 27 Vict. c. 38., and 27 & 28 Vict. c. 98.

(b) After "earthenware," the words "or china" are now added (1891 s. 38).

in the manufacture of india-rubber or gutta-percha, or of articles made wholly or partially of india-rubber or gutta-percha ;

“ Paper mills.” (14.) “ Paper mills,” that is to say, any premises in which the manufacture of paper is carried on ;

“ Glass works.” (15.) “ Glass works,” that is to say, any premises in which the manufacture of glass is carried on ;

“ Tobacco factory.” (16.) “ Tobacco factories,” that is to say, any premises in which the manufacture of tobacco is carried on ;

“ Letter-press printing works.” (17.) “ Letter-press printing works,” that is to say, any premises in which the process of letter-press printing is carried on ;

“ Bookbinding works.” (18.) “ Bookbinding works,” that is to say, any premises in which the process of book-binding is carried on ;

“ Flax scutch mills.” (19.) Flax scutch mills.

Sections 93, 96.

PART TWO.

Non-Textile Factories and Workshops.

“ Hat works.” (20.) “ Hat works,” that is to say, any premises in which the manufacture of hats or any process incidental to their manufacture is carried on ;

“ Rope works.” (21.) “ Rope works,” that is to say, any premises being a ropery ropewalk, or rope work, in which is carried on the laying or twisting or other process of preparing or finishing the lines, twines, cords, or ropes, and in which machinery moved by steam, water, or other mechanical power is not used for drawing or spinning the fibres of flax, hemp, jute, or tow, and which has no internal communication with any buildings or premises joining or forming part of a textile factory, except such communication as is necessary for the transmission of power ;

“ Bakehouses.” (22.) “ Bakehouses,” that is to say, any places in which are baked bread, biscuits, or confectionery from the baking or selling of which a profit is derived ;

“ Lace ware-houses.” (23.) “ Lace warehouses,” that is to say, any premises, room, or place not included in bleaching and dyeing works as herein-before defined, in which persons are employed upon any manufacturing process or handicraft in relation to lace, subsequent to the making of lace upon a lace machine moved by steam, water, or other mechanical power ;

“ Shipbuilding yards.” (24.) “ Shipbuilding yards,” that is to say, any premises in which any ships, boats, or vessels used in navigation are made, finished, or repaired ;(a)

“ Quarries.” (25.) “ Quarries,” that is to say, any place not being a mine, in which persons work in getting slate, stone, coprolites, or other minerals.(b)

(a) In *Palmer's Shipbuilding Co. v. Chaytor*, L.R. 4 Q.B. 209, the court doubted whether a ship was an “article,” so as to come under a general definition corresponding to that in 1878 s. 93. The express inclusion of shipbuilding yards under non-textile factories prevents the question from arising now.

(b) In *Kent v. Astley*, L.R. 5 Q.B. 19, it was decided that quarries, in which the work as a whole was carried on in the open air, were not factories. That decision is now overruled by the expression inclusion of quarries under non-textile factories.

(26.) "Pit-banks," that is to say, any place above ground "Pit banks." adjacent to a shaft of a mine, in which place the employment of women is not regulated by the Coal Mines Regulation Act, 1872, or the Metaliferous Mines Regulation Act, 1872, whether such place does or does not form part of the mine within the meaning of those Acts.

35 & 36 Vict.
c. 76.
35 & 36 Vict.
c. 77.

FIFTH SCHEDULE.

Section 97.

SPECIAL EXEMPTIONS.

Straw plaiting.
Pillow-lace making.
Glove making.

SIXTH SCHEDULE.(a)

Section 107.

Acts repealed.

Session and Chapter.	Title of Act.	Extent of Repeal.
42 Geo. 3. c. 73. -	An Act for the preservation of the health and morals of apprentices and others employed in cotton and other mills and cotton and other factories.	The whole Act.
3 & 4 Will. 4. c. 103. -	An Act to regulate the labour of children and young persons in the mills and factories of the United Kingdom.	The whole Act.
7 & 8 Vict. c. 15. -	An Act to amend the laws relating to labour in factories.	The whole Act.
9 & 10 Vict. c. 40. -	An Act to declare certain ropeworks not within the operation of the Factory Acts.	The whole Act.
13 & 14 Vict. c. 54. -	An Act to amend the Acts relating to labour in factories.	The whole Act.
16 & 17 Vict. c. 104. -	An Act further to regulate the employment of children in factories.	The whole Act.
19 & 20 Vict. c. 38. -	The Factory Act, 1856 - - - -	The whole Act.
24 & 25 Vict. c. 117. -	An Act to place the employment of women, young persons, youths, and children in lace factories under the regulations of the Factories Acts.	The whole Act.
26 & 27 Vict. c. 40. -	The Bakehouse Regulation Act, 1863 -	The whole Act.
27 & 28 Vict. c. 48. -	The Factory Acts Extension Act, 1864	The whole Act.

(a) This schedule is now repealed (57 & 58 Vict. c. 56.). It is printed above as showing the course of previous legislation on the subject. No Act relating to factories and workshops earlier than the Act of 1878 is now in force.

Session and Chapter.	Title of Act.	Extent of Repeal.
29 & 30 Vict. c. 90. -	The Sanitary Act, 1866 - - -	The following words (so far as unrepealed) in section nineteen, "not already under the operation of any general Act for the regulation of factories or bakehouses."
30 & 31 Vict. c. 103. -	The Factory Acts Extension Act, 1867	The whole Act.
30 & 31 Vict. c. 146. -	The Workshop Regulation Act, 1867 -	The whole Act.
33 & 34 Vict. c. 62. -	The Factory and Workshop Act, 1870 -	The whole Act.
34 & 35 Vict. c. 19. -	An Act for exempting persons professing the Jewish religion from penalties in respect of young persons and females professing the said religion working on Sundays.	The whole Act.
34 & 35 Vict. c. 104. -	The Factory and Workshop Act, 1871 -	The whole Act.
37 & 38 Vict. c. 44. -	The Factory Act, 1874 - - -	The whole Act.
38 & 39 Vict. c. 55. -	The Public Health Act, 1875 - -	The following words in section four, "more than twenty," and the words "at one time," and the following words in section ninety-one, "not already under the operation of any general Act for the regulation of factories or bakehouses."
39 & 40 Vict. c. 79. -	The Elementary Education Act, 1876 -	Section eight and the following words in section forty-eight "the Factory Acts, 1833 to 1874, as amended by this Act, and includes the Workshop Acts, 1867 to 1871, as amended by this Act, and".



FACTORY AND WORKSHOP ACT, 1883.
[46 & 47 VICT. CH. 53.]

ARRANGEMENT OF SECTIONS.

Section.

1. Short title.

White Lead Factories.

2. Certificate of conformity with Act.
3. Conditions of certificate.
4. Grant of certificate on compliance with conditions.
5. Withdrawal of certificate.
6. Penalty on carrying on factory without certificate.
7. Special rules for every white lead factory.
8. Framing and approval of new special rules.
9. Amendment of special rules.
10. False statements and transmission of rules.
11. Publication of special rules.
12. Defacing copies of rules, &c.

Explanation of certain Provisions of Factory, &c. Act, 1878.

13. Explanation of s. 53 of 41 & 42 Vict. c. 16.
14. Amendment as to period of employment of children in certain cases.

Bakehouses.

15. Regulations for new bakehouses.
16. Penalty for bakehouse being unfit on sanitary grounds for use as a bakehouse.
17. Enforcement of law as to retail bakehouses by local authorities.
18. Construction of Act and definitions.

Application of Act to Scotland and Ireland.

19. Application of Act to Scotland.
20. Application of Act to Ireland.

SCHEDULE.

FACTORY AND WORKSHOP ACT, 1883.



AN ACT to amend the Law relating to certain Factories and Workshops. [25th August 1883.]

Short title.

1. This Act may be cited as the Factory and Workshop Act, 1883.

White Lead Factories.

Certificate of conformity with Act.

2. After the thirty-first day of December one thousand eight hundred and eighty-three it shall not be lawful to carry on a white lead factory unless such factory is certified by an inspector to be in conformity with this Act.

Conditions of certificate.

3. (1.) A white lead factory shall not be certified to be in conformity with this Act unless the scheduled conditions, that is to say, the conditions specified in the schedule to this Act, as amended by any order of a Secretary of State under this section, and including any conditions added by any such order, have been complied with.

(2.) A Secretary of State may at any time, by writing under his hand, revoke, alter, add to, or modify all or any of the conditions specified in the schedule to this Act.

Grant of certificate on compliance with conditions.

4. Within a reasonable time after written application in that behalf, addressed to the chief inspector of factories by the occupier of any white lead factory, such factory shall be inspected by an inspector, and if he finds that the scheduled conditions have been complied with he shall certify to a Secretary of State that the factory is in conformity with this Act; and a copy of the certificate, signed by the inspector, shall be forthwith given to the occupier.

Withdrawal of certificate.

5. If at any time after a white lead factory has been certified to be in conformity with this Act it appears to an inspector that the factory is not kept in conformity with this Act, he shall forthwith give notice to the occupier specifying in what respects default is made; and unless the default is within a reasonable time after the notice remedied to the satisfaction of an inspector, a Secretary of State may, if he sees fit, withdraw the certificate until the default is remedied.

Penalty on carrying on factory without certificate.

6. The occupier of a white lead factory which after the thirty-first day of December one thousand eight hundred and eighty-three is carried on without a certificate under this Act shall, for every day during which it is so carried on, be liable on summary conviction to a fine not exceeding two pounds.

[Ss. 7-12, relating to special rules for white lead factories are repealed by 1891 sched. 2.](a)

Explanation of certain Provisions of Factory, &c. Act, 1878.

13. It is hereby declared that—

(a.) Section fifty-three of the Factory and Workshop Act, 1878, only authorises overtime employment of young persons or women to take place in any factory or workshop on forty-eight days in the whole, in any twelve months; and that in reckoning such period of forty-eight days, every day on which any young person or woman has been employed overtime is to be taken into account; and that

(b.) Section fifty-six of the said Act only authorises overtime employment of women to take place in any factory or workshop on ninety-six days in the whole in any twelve months, and that in reckoning such period of ninety-six days, every day on which any woman has been employed overtime is to be taken into account.(b)

Explanation of
s. 53 of 41 & 42
Vict. c. 16.

14. Notwithstanding anything in section twelve or section fourteen of the Factory and Workshop Act, 1878, the period of employment for a child in an afternoon set in a factory or workshop, where the dinner-time does not begin before two o'clock in the afternoon, may begin at noon; provided that in such case the period of employment in the morning set shall end at noon.

Amendment as
to period of
employment of
children in
certain cases.

Bakehouses.(c)

15. It shall not be lawful to let or suffer to be occupied as a bakehouse, or to occupy as a bakehouse, any room or place [which was not so let or occupied before the first day of June one thousand eight hundred and eighty-three,(d) unless the following regulations are complied with :

Regulations for
new bakehouses.

(i.) No watercloset, earthcloset, privy, or ashpit shall be within or communicate directly with the bakehouse ;

(ii.) Any cistern for supplying water to the bakehouse shall be separate and distinct from any cistern for supplying water to a watercloset ;

(iii.) No drain or pipe for carrying off faecal or sewage matter shall have an opening within the bakehouse.

(a) These provisions relating to special rules for white lead factories were the foundation of, and were superseded by, the provisions of the Act of 1891 (ss. 8-12), which provide for the establishment of Special Rules which may be applied by the Secretary of State to any dangerous employment.

(b) The maximum number of days now is, under 1878 s. 53, 30 days, under 1878 s. 56, 60 days (1895 s. 14 subs. (2)). Subject to these changes, the above section still applies to overtime. The limit now applies to the number of days of overtime employment in the factory or workshop, not to the number of days of overtime employment of particular individuals.

(c) For other provisions relating to bakehouses, see 1878 ss. 34, 35.

(d) These words are now repealed (1895 s. 27 subs. (2)).

Any person who lets or suffers to be occupied or who occupies any room or place as a bakehouse in contravention of this section shall be liable, on summary conviction, to a fine not exceeding forty shillings, and to a further fine not exceeding five shillings for every day during which any room or place is so occupied after a conviction under this section.

Penalty for
bakehouse being
unfit on sanitary
grounds for use
as a bakehouse.

16. Where a court of summary jurisdiction is satisfied on the prosecution of an inspector or a local authority that any room or place used as a bakehouse (whether the same was or was not so used before the passing of this Act) is in such a state as to be on sanitary grounds unfit for use or occupation as a bakehouse, the occupier of the bakehouse shall be liable, on summary conviction, to a fine not exceeding forty shillings, and on a second or any subsequent conviction, not exceeding five pounds.

The court of summary jurisdiction, in addition to or instead of inflicting such fine, may order means to be adopted by the occupier, within the time named in the order, for the purpose of removing the ground of complaint. The court, may, upon application, enlarge the time so named, but if, after the expiration of the time as originally named or enlarged by subsequent order, the order is not complied with, the occupier shall be liable to a fine not exceeding one pound for every day that such non-compliance continues.

Enforcement of
law as to retail
bakehouses by
local authorities.

17. (1.) As respects every retail bakehouse, (a) the provisions of this part of this Act and of sections three, thirty-three, thirty-four, and thirty-five of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, overcrowding, and other sanitary conditions), shall be enforced by the local authority of the district in which the retail bakehouse is situate, and not by an inspector under the Factory and Workshop Act, 1878(b); and for the purposes of this section the medical officer of health of the local authority shall have and exercise all such powers of entry, inspection, taking legal proceedings and otherwise, as an inspector under the Factory and Workshop Act, 1878.

[(2.) *If any child, young person, or woman is employed in any retail bakehouse, and the medical officer of the local authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.*

(3.) *An inspector under the Factory and Workshop Act, 1878, shall not, as respects any retail bakehouse, exercise the powers of entry and inspection conferred by that Act, unless he has notice or reasonable cause to believe that a child, young person, or woman is employed therein.](c)*

(a) Defined s. 18 below.

(b) Compare 54 & 55 Vict. c. 76. s. 26.

(c) Subs. (2) and (3) are now repealed (1891 sched. 2). Subs. (2) is extended to all workshops by 1891 s. 3 subs (3). Subs. (3) is not re-enacted.

18. This Act shall be construed as one with the Factory and Workshop Act, 1873; and in this Act, unless the context otherwise requires,—

Construction of Act and definitions.
41 & 42 Vict.
c. 16.

The expression “white lead factory” includes every factory and workshop in which the manufacture of white lead is carried on:

The expression “retail bakehouse”(a) means any bakehouse or place, the bread, biscuits, or confectionery baked in which are not sold wholesale but by retail in some shop or place occupied together with such bakehouse:

The expression “local authority” means, as respects the City of London and the liberties thereof, the Commissioners of Sewers; as respects the parishes and districts mentioned in the Schedules A. and B. annexed to the Metropolis Management Act, 1855, and any parish to which the said Act may be extended by Order in Council in manner in the said Act provided, the vestries and district Boards elected under the said Act; and as respects any urban sanitary district, the urban sanitary authority, and as respects any rural sanitary district, the rural sanitary authority, within the meaning of the Public Health Act, 1875.

18 & 19 Vict.
c. 120.

Application of Act to Scotland and Ireland.

19. In the application of this Act to Scotland the expression “local authority” means the local authority within the meaning of the Public Health (Scotland) Act, 1867.

Application of Act to Scotland.
30 & 31 Vict.
c. 101.

20. In the application of this Act to Ireland the expression “local authority” means, as regards any urban sanitary district, the urban sanitary authority, and as regards any rural sanitary district the rural sanitary authority, within the meaning of the Public Health (Ireland) Act, 1878.

41 & 42 Vict.
c. 52.

THE SCHEDULE.

CONDITIONS OF OBTAINING CERTIFICATE.

Section 3.

(1.) The stacks and stoves in the factory must be efficiently ventilated.

(2.) There must be provided for the use of the persons employed in the factory sufficient means of frequently washing hands and feet, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(a) This expression does not include factory bakehouses (1891, s. 36.).

(3.) There must be provided in addition, for the use of women employed in the factory, sufficient baths, with a sufficient supply of hot and cold water, soap, towels, and brushes.

(4.) There must be provided for the use of the persons employed in the factory (but not in any part of the factory where any work is carried on) a proper room for meals.

(5.) There must be provided for every person working at any tank an overall suit with head covering, and for every person working at any white-bed a respirator or covering for the mouth and nostrils and head covering, and for every person working at any dry stove or rollers an overall suit with head covering, and a respirator or covering for the mouth and nostrils.

(6.) There must be accessible to all persons employed in the factory a sufficient supply of acidulated drink.



FACTORY AND WORKSHOP ACT, 1891.
[54 & 55 VICT. CH. 75.]

ARRANGEMENT OF SECTIONS.

Sanitary Provisions.

Section.

1. Powers of Secretary of State as to sanitary provisions in workshops.
2. Powers of factory inspector after notice to sanitary authority.
3. Enforcement by sanitary authority of sanitary provisions as to workshops.
4. Cleanliness and limewashing of workshops.
5. Amendment of 41 & 42 Vict. c. 16. s. 3, as to sanitary provisions.

Safety.

6. Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing of machinery.
7. Provision against fire.

Special Rules and Requirements.

8. Special rules and requirements as to dangerous and unhealthy incidents of employment.
9. Penalty for contravention of special rules or requirement.
10. Amendment of special rules.
11. Publication of special rules.
12. Certified copies of special rules to be evidence.

Period of Employment.

13. Period of employment for women.
14. Notice as to overtime.
15. Period of employment on Saturday for young persons and women not employed more than eight hours.

Holidays.

16. Amendment of 41 & 42 Vict. c. 16. s. 22, as to holidays.

Conditions of Employment.

17. Prohibition of employment of women after child-birth.
18. Prohibition of employment of children under eleven years of age.
19. Report of certifying surgeon.
20. Certificate of birth in case of children and young persons under 16.
21. Amendment of 41 & 42 Vict. c. 16. s. 61, as to exemption of certain workshops.

Miscellaneous.

22. Amendment of 41 & 42 Vict. c. 16. s. 31, as to notice of accidents.
23. Inspectors in Wales and Monmouthshire.

Section.

24. Particulars to be supplied in case of payment by piece.
25. Powers of entry.
26. Notice of opening workshop.
27. Lists of out-workers.
28. Minimum penalties in certain cases.
29. Limitation of time for summary proceedings.
30. Amendment of 41 & 42 Vict. c. 16. s. 92.
31. Amendment of 41 & 42 Vict. c. 16. s. 93.
32. Saving for persons employed in process of cleaning fruit.
33. Application to Scotland.
34. Amendment of 41 Vict. c. 16. s. 106, as to holidays in Ireland.
35. Amendment of 41 & 42 Vict. c. 16. s. 104.
36. Amendment of 46 & 47 Vict. c. 53. s. 18.
37. Definitions of "machinery" and "domestic workshop."
38. Amendment of 41 & 42 Vict. c. 16. Sch. IV.
39. Repeal.
40. Commencement of Act.
41. Short title and construction.

SCHEDULES.



FACTORY AND WORKSHOP ACT, 1891.

AN Act to amend the Law relating to Factories and Workshops.

[5th August 1891.]

Sanitary Provisions.

1.—(1.) If the Secretary of State is satisfied that the provisions of the law relating to public health as to effluvia arising from any drain, privy, or other nuisance, or with respect to cleanliness, ventilation, overcrowding, or limewashing^(a) are not observed in any workshops or class of workshops (including workshops conducted on the system of not employing any child, young person, or woman therein)^(b) or laundries,^(c) he may, if he thinks fit, by order, authorise and direct an inspector or inspectors under the principal Act to take, during such period as may be mentioned in the order, such steps as appear necessary or proper for enforcing the said provisions.^(d)

Powers of Secretary of State as to sanitary provisions in workshops.

(2.) An inspector authorised in pursuance of this section shall, for the purpose of his duties, have the same powers with respect to workshops and laundries to which this section applies, as he has under the principal Act as amended by this Act with respect to factories,^(e) and may for the same purpose take the like proceedings for punishing or remedying any default in compliance with the said provisions of the law relating to public health as might be taken by the sanitary authority of the district in which the workshops or laundries are situate, and shall be entitled to recover from that sanitary authority all such expenses in and about any proceedings in respect of such workshops or laundries as he may incur and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

2.—(1.) Section four of the principal Act^(f) shall apply to workshops conducted on the system of not employing any child, young person, or woman therein, and to laundries^(c).

Powers of factory inspector after notice to sanitary authority.

(a) These provisions are contained in 38 & 39 Vict. c. 55. s. 91 (6); 1891 s. 4; and for London 54 & 55 Vict. c. 76. s. 2 subs. (1) (g) and s. 25. On the general subject of the law regulating the sanitary condition of workshops, see note (a) on 1878 s. 3.

(b) The requirements of the Act of 1878 do not apply to these workshops (1878 s. 93), but the Public Health Acts make no distinction between them and ordinary workshops.

(c) As far as sanitary provisions are concerned, laundries where power is used are now treated as factories, other laundries as workshops (1895 s. 22.). This section will now apply only to the latter class of laundries.

(d) No order has at present been made under this section. For the power of an inspector to take action independently on noticing any particular default in a workshop, see 1878 s. 4, and note (c) thereon.

(e) For the powers of an inspector, see 1878 s. 68. The amendment by this Act referred to is the repeal of 1878 s. 69 by 1891 s. 25.

(f) This is the section requiring the inspector to call the attention of the sanitary authority to any defect in the sanitary condition of a workshop which

(2.) Where notice of an act, neglect, or default is given by an inspector under the said section four, as amended by this Act, to a sanitary authority, and proceedings are not taken [*within a reasonable time*](a) for punishing or remedying the act, neglect, or default, the inspector may take the like proceedings for punishing or remedying the same as the sanitary authority might have taken, and shall be entitled to recover from the sanitary authority all such expenses in and about the proceedings as the inspector incurs and are not recovered from any other person, and have not been incurred in any unsuccessful proceedings.

Enforcement by
sanitary autho-
rity of sanitary
provisions as to
workshops.
41 & 42 Vict.
c. 16.
54 & 55 Vict.
c. 76.

3.—(1.) Sections three and thirty-three of the Factory and Workshop Act, 1878 (which relate to cleanliness, ventilation, and overcrowding in, and limewashing of, factories, and workshops), shall cease to apply to workshops.

(2.) For the purpose of their duties with respect to workshops (not being workshops to which the Public Health (London) Act, 1891, applies), (b) a sanitary authority and their officers shall, without prejudice to their other powers, have all such powers of entry, inspection, taking legal proceedings or otherwise, as an inspector under the principal Act.

(3.) If any child, young person, or woman, is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector of the district.

Cleanliness and
limewashing of
workshops.
38 & 39 Vict.
c. 55.

4.—(1.) Every workshop as defined by the principal Act (including any workshop conducted on the system of not employing any child, young person, or woman therein), and every workplace within the meaning of the Public Health Act, 1875, (c) shall be kept free from effluvia arising from any drain, watercloset, earth-closet, privy, urinal, or other nuisance, and unless so kept shall be deemed to be a nuisance liable to be dealt with summarily under the law relating to public health. (d)

(2.) Where on the certificate of a medical officer of health or inspector of nuisances it appears to any sanitary authority that

is subject to the control of the sanitary authority. Subs. (2) of the present section makes an important addition to the inspector's powers in such a case. See note (c) on 1878 s. 4.

(a) For these words the words "within one month" are now substituted (1895 s. 3 subs. (2)).

(b) That is, workshops within the administrative county of London (54 & 55 Vict. c. 76. ss. 132, 141).

(c) In the application of the Factory Acts to Ireland, this is to be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same (1895 s. 52).

(d) This sub-section fills up a gap left by 38 & 39 Vict. c. 55. s. 91 (6), with the result that the sanitary requirements for a workshop are now the same as those for a factory, except with regard to limewashing, which is specially dealt with in subs. (2) of this section. With regard to the authorities for the enforcement of the law in workshops, see note (a) on 1878 s. 3.

the limewashing, cleansing, or purifying of any such workshop, or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall give notice in writing to the owner or occupier of the workshop to limewash, cleanse, or purify the same or part thereof, as the case may require.(a)

(3.) If the person to whom notice is so given fails to comply therewith within the time therein specified, he shall be liable to a fine not exceeding ten shillings for every day during which he continues to make default, and the sanitary authority may, if they think fit, cause the workshop or part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person in default.

(4.) This section shall not apply to any workshop or workplace to which the Public Health (London) Act, 1891, applies.(b)

54 & 55 Vict.
c. 76.

5. In section three of the principal Act, for the word “privy,” shall be substituted the words “watercloset, earthcloset, privy, urinal,” and for the words “injurious to the health of the persons employed therein” shall be substituted the words “dangerous or injurious to the health of the persons employed therein.”

Amendment of
41 & 42 Vict.
c. 16. s. 3, as to
sanitary provi-
sions.

Safety.

6.—(1.) The words “near to which any person is liable to pass or to be employed” in sub-section (1) of section five of the principal Act are hereby repealed.

Amendment of
41 & 42 Vict.
c. 16. s. 5, as to
fencing of
machinery.

(2.) In sub-section three of the same section before the words “every part” shall be inserted the words “all dangerous parts of the machinery and.”

7.—(1.) Every factory(c) of which the construction is commenced after the first day of January one thousand eight hundred and ninety-two, and in which more than forty persons are employed, shall be furnished with a certificate from the sanitary authority of the district in which the factory is situate that the factory is provided on the storeys above the ground floor with such means of escape in case of fire for the persons employed therein as can reasonably be required under the circumstances of each case, and a factory not so furnished shall be deemed not to be kept in conformity with the principal Act, and it shall be the duty of the sanitary authority to examine every such factory, and on being

Provision against
fire.

(a) The absolute requirements of 1878 s. 33 with regard to limewashing do not apply to workshops, in which this section makes the duty to limewash depend on the directions of the sanitary authority and their officers.

(b) This Act contains provisions to the same effect as those in this section, applicable to workshops and workplaces in the administrative county of London (s. 2 subs. (1) (g) and s. 25 of that Act).

(c) This sub-section now applies also to workshops commenced on or after January 1 1896 in which more than 40 persons are employed (1895 s. 10 subs. (4)).

satisfied that the factory is so provided to give such a certificate as aforesaid.

(2.) With respect to all factories(*a*) to which the foregoing provisions of this section do not apply, and in which more than forty persons are employed, it shall be the duty of the sanitary authority of every district, as soon as may be after the passing of this Act, and afterwards from time to time, to ascertain whether all such factories within their district are provided with such means of escape as aforesaid, and, in the case of any factory which is not so provided, to serve on the person being within the meaning of the Public Health Act, 1875, the owner(*b*) of the factory a notice in writing specifying the measures necessary for providing such means of escape as aforesaid, and requiring him to carry out the same before a specified date, and thereupon such owner shall, notwithstanding any agreement with the occupier, have power to take such steps as are necessary for complying with the requirements, and, unless such requirements are so complied with, such owner shall be liable to a fine not exceeding one pound for every day that such non-compliance continues. In case of a difference of opinion between the owner of the factory and the sanitary authority, the difference shall, on the application of either party, (*c*) be referred to arbitration, and thereupon the provisions of the First Schedule to this Act shall have effect, except that the parties to the arbitration shall be the sanitary authority on the one hand and the owner on the other, and the award on the arbitration shall be binding on the parties thereto. If the owner alleges that the occupier of the factory ought to bear or contribute to the expenses of complying with the requirement, he may apply to the county court having jurisdiction where the factory is situate, and thereupon the county court, after hearing the occupier, may make such order as appears to the court just and equitable under all the circumstances of the case. (*d*)

(3.) All expenses incurred by a sanitary authority in the execution of this section shall be defrayed—

(*a*) in the case of an authority of an urban district, as part of their expenses of the general execution of the Public Health Act, 1875; and

(*b*) in the case of an authority of a rural district, as special

(*a*) This sub-section now applies to all workshops to which subs. (1) of this section does not now apply (1895 s. 10 subs. (4)).

(*b*) *i.e.*, the person who receives the rackrent, or would receive it if there were any (38 & 39 Vict. s. 4).

(*c*) The application must be made within a month after the difference arises (1895 s. 11 subs. (1)). The notice will be discharged amended or confirmed in accordance with the award (1895 s. 11 subs. (2)).

(*d*) Where the sanitary authority fail to enforce this and the preceding sub-section, the inspector may give notice to them, and if necessary act in their place in the same manner as under 1878 s. 4 and 1891 s. 2 (1895 s. 10 subs. (5)).

expenses incurred in the execution of the Public Health Act, 1875,(a) and such expenses shall be charged to the contributory place in which the factory is situate.

(4.) In the application of this section to the administrative county of London, the London County Council shall take the place of the sanitary authority, and their expenses in the execution of this section shall be defrayed as part of their expenses in the management of the Metropolitan Building Act, 1855,(b) and the Acts amending the same. 18 & 19 Vict. c. 122.

Special Rules and Requirements.(c)

8.—(1.) Where the Secretary of State certifies(d) that in his opinion any machinery or process or particular description of manual labour used in a factory or workshop (other than a domestic workshop) is dangerous or injurious to health or dangerous to life or limb, either generally or in the case of women, children, or any other class of persons, or that the provision for the admission of fresh air is not sufficient, or that the quantity of dust generated or inhaled in any factory or workshop is dangerous or injurious to

Special rules and requirements as to dangerous and unhealthy incidents of employment.

(a) In the application of the Factory Acts to Ireland, this is to be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same (1895 s. 52).

(b) Now the London Building Act, 1894 (57 & 58 Vict. c. cxxiii.).

(c) The sections under this head, viz., ss. 8–12, now extend to workshops conducted on the system of not employing any child, young person, or woman therein (1895 s. 28 subs. (2)).

(d) The following processes have been certified under this section to be dangerous to health, viz., processes carried on in—

The manufacture of white lead

The manufacture of paints and colours and the extraction of arsenic

The enamelling of iron plates

(The above are by Order gazetted May 13 1892)

The manufacture of lucifer matches, except such as are made with red or amorphous phosphorus (Order gazetted June 7 1892)

The manufacture of earthenware

The manufacture of explosives in which di-nitro-benzole is used

Chemical works

Quarries

(The above are by Order gazetted December 27 1892)

The manufacture of red orange or yellow lead

Lead smelting

The tinning and enamelling of iron hollow-ware

Electric Accumulator Works

Flax Mills and Linen Factories

(The above are by Order gazetted January 5 1894)

Brass mixing and casting (Order gazetted May 11 1894).

The tinning and enamelling of metal hollow-ware and cooking utensils (Order gazetted June 22 1894)

Processes in which yellow chromate of lead is used or in which goods dyed with it undergo the process of bundling or noddling, winding, reeling, weaving, or any other treatment (Order gazetted April 19 1895).

In all the above employments, except quarries, linen factories, and brass mixing and casting factories, Special Rules have been adopted under this Act, and are now in force. A full list of all the Rules now in force will be found in the Appendix.

health, the chief inspector may serve on the occupier of the factory or workshop a notice in writing, either proposing such special rules or requiring the adoption of such special measures as appear to the chief inspector to be reasonably practicable and to meet the necessities of the case.(a)

(2.) Unless within twenty-one days after receipt of the notice the occupier serves on the chief inspector a notice in writing that he objects to the rules or requirement, the rule shall be established, or, as the case may be, the requirement shall be observed.

(3.) If the notice of objection suggests any modification of the rules or requirement, the Secretary of State shall consider the suggestion and may assent thereto with or without any further modification which may be agreed on between the Secretary of State and the occupier, and thereupon the rules shall be established or, as the case may be, the requirement shall be observed, subject to such modification.

(4.) If the Secretary of State does not assent to any objection or modification suggested as aforesaid by the occupier, the matter in difference between the Secretary of State and the occupier shall be referred to arbitration under this Act, and the date of the receipt of the notice of objection by the Secretary of State shall be deemed to be the date of the reference, and the rules shall be established, or the requisition shall have effect, as settled by an award on arbitration.

(5.) Any notice under this section may be served by post.

(6.) With respect to arbitrations under this Act the provisions in the First Schedule to this Act shall have effect.(b)

(7.) No person shall be precluded by any agreement from doing, or be liable under any agreement to any penalty or forfeiture for doing, such acts as may be necessary in order to comply with the provisions of this section.

Penalty for contravention of special rules or requirement.

9.—(1.) If any person who is bound to observe any special rules established for any factory or workshop under this Act acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds; and the occupier of the factory or workshop shall also be liable on summary conviction to a fine not exceeding ten pounds, unless he proves that he had taken all reasonable means, by publishing, and to the best of his power enforcing, the rules to prevent the contravention or noncompliance.

(a) Rules and requirements may now be made under this section prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons (including adults) engaged in dangerous occupations. If such rules relate to adults, they must be laid on the table of both Houses of Parliament for 40 days (1895 s. 28 subs. (1)).

(b) The workmen, or any class of them, may be represented on the arbitration, and their representative may appear in person or by counsel, solicitor, or agent. The workmen may be required to give security for costs, and their representative will be liable for costs as if he were a party to the arbitration (1895 s. 12).

(2.) A factory or workshop in which there is a contravention of any requirement made under this Act shall be deemed not to be kept in conformity with the principal Act.

10.—(1.) After special rules are established under this Act in any factory or workshop, the Secretary of State may from time to time propose to the occupier of the factory or workshop any amendment of the rules or any new rules; and the provisions of this Act with respect to the original rules shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to the original rules. Amendment of special rules.

(2.) The occupier of any factory or workshop in which special rules are established may from time to time propose in writing to the chief inspector, with the approval of the Secretary of State, any amendment of the rules or any new rules, and the provisions of this Act with respect to a suggestion of an occupier for modifying the special rules proposed by a chief inspector shall apply to all such amendments and new rules in like manner, as nearly as may be, as they apply to such a suggestion.

11.—(1.) Printed copies of all special rules for the time being in force under this Act in any factory or workshop shall be kept posted up in legible characters in conspicuous places in the factory or workshop where they may be conveniently read by the persons employed. In a factory or workshop in Wales or Monmouthshire the rules shall be posted up in the Welsh language also. Publication of special rules.

(2.) A printed copy of all such rules shall be given by the occupier to any person affected thereby on his or her application.

(3.) If the occupier of any factory or workshop fails to comply with any provision of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(4.) Every person who pulls down, injures, or defaces any special rules when posted up in pursuance of this Act, or any notice posted up in pursuance of the special rules, shall be liable on summary conviction to a fine not exceeding five pounds.

12. An inspector shall, when required, certify a copy which is shown to his satisfaction to be a true copy of any special rules for the time being established under this Act for any factory or workshop, and a copy so certified shall be evidence (but not to the exclusion of other proof) of those special rules, and of the fact that they are duly established under this Act. Certified copies of special rules to be evidence.

Period of Employment.

13.—(1.) For sub-section (2) of section fifteen of the principal Act the following sub-section shall be substituted, namely :— Period of employment for women.

(2.) In a workshop which is conducted on the system of not employing therein either children or young persons, and the occu-

pier of which has served on an inspector notice of his intention to conduct his workshop on that system(a)—

(a.) The period of employment for a woman shall, except on Saturday, be a specified period of twelve hours taken between six o'clock in the morning and ten o'clock in the evening, and shall on Saturday be a specified period of eight hours, taken between six o'clock in the morning and four o'clock in the afternoon; and

(b.) There shall be allowed to a woman for meals and absence from work during the period of employment, a specified period not less, except on Saturday, than one hour and a half, and on Saturday than half an hour.(b)

Notice as to overtime.

14.—(1.) The report required by section sixty-six of the principal Act respecting the employment of a child, young person, or woman in pursuance of an exception relating to employment overtime, must be sent to an inspector not later than eight o'clock in the evening on which the child, young person, or woman is employed in pursuance of the exception.

(2.) Where, under the said section sixty-six, the occupier of a factory or workshop is required to make an entry and report respecting the employment overtime of a child, young person, or woman in the factory or workshop, he shall cause a notice containing the prescribed particulars respecting the employment to be kept affixed in the factory or workshop during the prescribed time, and in default of so doing shall be liable, on summary conviction, to a fine not exceeding five pounds.

Period of employment on Saturday for young persons and women not employed more than eight hours.

15. For section eighteen of the principal Act the following section shall be substituted, namely,—

In a non-textile factory or workshop where a young person or woman has not been actually employed for more than eight hours on any day in a week, and notice of such non-employment has been

(a) Before this Act, workshops conducted on the system of not employing children or young persons were for several purposes distinguished from ordinary workshops and put on the same footing as “domestic workshops” (1878 s. 61). Now the assimilation of these workshops with domestic workshops has been repealed (1891 s. 31), and the special regulations under this section for the employment of women is the only respect in which these workshops differ from ordinary workshops. It will be observed that advantage may not be taken of this special provision till notice has been served on the inspector. After the notice has been served, it is illegal to employ children or young persons in the workshop until notice of the intention to change the system has been served on the inspector (1878 s. 61 last paragraph but one).

(b) By the repealed section of the Act of 1878, the period of employment for women was from 6 to 9, with $4\frac{1}{2}$ hours for meals, and on Saturday from 6 to 4, with $2\frac{1}{2}$ hours for meals. It will be seen that the new subsection substitutes a period to be specified by the employer within a fixed range of hours, with a shorter allowance for meal hours. The effect is to prevent the distribution of the working hours over the whole range of time during which employment is permitted, but the total maximum number of working hours is left unchanged.

affixed in the factory or workshop and served on the inspector, the period of employment on Saturday in that week for that young person or woman may be from six o'clock in the morning to four o'clock in the afternoon, with an interval of not less than two hours for meals.

Holidays.

16. For sub-section (4) of section twenty-two of the principal Act the following sub-section shall be substituted, namely:—

Amendment of
41 & 42 Vict.
c. 16. s. 22, as to
holidays.

(4.) Cessation from work shall not be deemed to be a half holiday or whole holiday, unless a notice of the half holiday or whole holiday has been affixed in the factory or workshop during the first week in January, and a copy thereof has on the same day been forwarded to the inspector of the district: Provided that any such notice may be changed by a subsequent notice affixed and sent in like manner not less than fourteen days before the holiday or half holiday to which it applies.(a)

Conditions of Employment.

17. (b) An occupier of a factory or workshop shall not knowingly allow a woman to be employed therein within four weeks after she has given birth to a child.

Prohibition of
employment of
women after
child-birth.

18. (b) On and after the first day of January one thousand eight hundred and ninety-three no child under the age of eleven years shall be employed in a factory or workshop.

Prohibition of
employment of
children under
11 years of age.

Provided always, that any child lawfully employed under the principal Act, or any Act relating to the employment of children, at the time that the provisions of this section come into operation shall be exempt from its provisions.

19. Every certifying surgeon acting under this or the principal Act shall in each year make at the prescribed time a report in the prescribed form to the Secretary of State as to the persons inspected during the year, and the results of the inspection.

Report of certi-
fying surgeon.

20. Where the age of any child or young person under the age of sixteen years is required to be ascertained or proved for the purposes of this Act, or for any purpose connected with the elementary education or employment in labour of such child or young person, any person shall, on presenting a written requisition, in such form, and containing such particulars as may be from time to time prescribed by the Local Government Board, and on payment of a fee of sixpence, be entitled to obtain a certified copy under the hand of a registrar or superintendent registrar of the entry in the

Certificate of
birth in case of
children and
young persons
under 16.

(a) By the repealed paragraph of the Act of 1878, the only notice required was a notice affixed during the last preceding working day but one.

(b) Ss. 17 and 18 now apply to laundries (1895 s. 22 subs. (1) (vi)).

register, under the Births and Deaths Registration Acts, 1836 to 1874, of the birth of that child or young person; and such form of requisition shall on request be supplied without charge by every superintendent registrar and registrar of births, deaths, and marriages.

Amendment of
41 & 42 Vict.
c. 16. s. 61, as to
exemption of
certain work-
shops.

21. There shall be repealed so much of section sixty-one of the principal Act as enacts that the provisions therein mentioned shall not apply to a workshop which is conducted on the system of not employing children or young persons therein, and the occupier of which has served on an inspector notice of his intention to conduct his workshop on that system.

Miscellaneous.

Amendment of
41 & 42 Vict.
c. 16. s. 31, as to
notice of
accidents.

22.—(1.) [*In section thirty-one of the principal Act for the words “and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop within forty-eight hours after the occurrence of the accident” shall be substituted the words “and is of such a nature as to prevent the person injured by it from returning to his work in the factory or workshop and doing five hours work on any day during the next three days after the occurrence of the accident.”*](a)

(2.) The notice required under that section shall, where the person killed or injured is not removed to his own residence, state both his residence and the place to which he has been removed.(b)

(3.) Where a death has occurred by accident in any factory or workshop, the coroner shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquest, and at such inquest any relative of any person whose death may have been caused by the accident with respect to which the inquest is being held, and any inspector under the principal Act, and the occupier of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop shall be at liberty to attend and examine any witness either in person or by his counsel, solicitor, or agent, subject nevertheless to the order of the coroner.(c)

Inspectors in
Wales and
Monmouthshire.

23. In the appointment of inspectors of factories in Wales and Monmouthshire, among candidates otherwise equally qualified, persons having a knowledge of the Welsh language shall be preferred.

(a) This sub-section is now repealed (1895 sched. 3), and superseded by 1895 s. 18.

(b) This sub-section is not expressly repealed, but it is replaced by paragraph (3) of 1895 s. 18., which section provides a new complete set of regulations for notices of accidents. Subs. (3) remains in force.

(c) The coroner is now (except in special cases) required to adjourn the inquest for the attendance of the inspector (1895 s. 19).

[24. (a) Every person who is engaged as a weaver in the cotton, worsted, or woollen, or linen or jute trade, or as a winder, weaver, or reeler in the cotton trade, and is paid by the piece, in or in connexion with any factory or workshop, shall have supplied to him with his work sufficient particulars to enable him to ascertain the rate of wages at which he is entitled to be paid for the work, and the occupier of the factory or workshop shall supply him with such particulars accordingly. Particulars to be supplied in case of payment by piece.

If the occupier of any factory or workshop fails to supply such particulars then, unless he proves that he has given the best information in his power with respect to such particulars, he shall be liable for each offence to a fine not exceeding ten pounds, and in the case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence not less than one pound.

Provided always, that in the event of anyone who is engaged as an operative in any factory or workshop receiving such particulars, and subsequently disclosing the same with a fraudulent object or for the purpose of gain, whether they be furnished directly to him or to a fellow workman, he shall be liable for each offence to a fine not exceeding ten pounds.

Provided also, that anyone who shall solicit or procure a person so engaged in any factory to disclose such particulars with the object or purpose aforesaid, or shall pay or reward such person, or shall cause such person to be paid or rewarded, for so disclosing such particulars shall be guilty of an offence, and shall be liable for each offence to a fine not exceeding ten pounds.]

25. The powers of entry conferred by section sixty-eight of the principal Act on an inspector under that Act may be exercised without the authority or warrant required in certain cases by section sixty-nine of that Act. Powers of entry.

26.—(1.) Section seventy-five of the principal Act (which requires notice to be given of the occupation of a factory) shall apply to a workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) in like manner as it applies to a factory. (b) Notice of opening workshop.

(2.) Where an inspector receives notice in pursuance of this section with respect to a workshop, he shall forthwith forward the notice to the sanitary authority of the district in which the workshop is situate.

(a) This section is now repealed (1895 sched. 3), and replaced by 1895 s. 40, which deals more comprehensively and elaborately with the subject of Particulars.

(b) S. 75 of the Act of 1878 applies only to new occupiers of factories, who are required to give notice within a month after they commence occupation. Similarly this section applies to new occupiers of workshops. S 41 of the Act of 1895 requires the notice to be given within 12 months by all occupiers of workshops who have not given notice under this section.

Lists of out-
workers.

27.(a)—(1.) The occupier of every factory and workshop (including any workshop conducted on the system of not employing any child, young person, or woman therein) and every contractor employed by any such occupier in the business of the factory or workshop shall, if so required by the Secretary of State by an Order made in accordance with section sixty-five of the principal Act, and subject to any exceptions mentioned in the Order, kept in the prescribed form and with the prescribed particulars lists showing the names of all persons directly employed by him, either as workman or as contractor, in the business of the factory or workshop, outside the factory or workshop, and the places where they are employed, and every such list shall be open to inspection by any inspector under the principal Act or by any officer of a sanitary authority.(b)

(2.) In the event of a contravention of this section by the occupier of a factory or workshop, or by a contractor, the occupier or contractor shall be liable to a fine not exceeding forty shillings.

Minimum
penalties in
certain cases.

28. The fine imposed on a conviction under sections sixty-eight, eighty-one, eighty-two, or eighty-three of the principal Act for any offence in relation to a factory, shall, in case of a second or subsequent conviction for the same offence within two years from the last conviction for that offence, be not less than one pound for each offence.

Limitation of
time for sum-
mary proceed-
ings.

29. In summary proceedings for offences and fines under the principal Act as amended by any subsequent Act, an information may be laid within three months after the date at which the offence comes to the knowledge of [*a factory inspector*],(c) or in case of an inquest being held in relation to the offence, then within two months after the conclusion of the inquest, so, however, that it shall not be laid after the expiration of six months from the commission of the offence.

Amendment of
41 & 42 Vict.
c. 16, s. 92.

30. Section ninety-two of the principal Act(d) shall apply to a workshop in like manner as it applies to a factory.

(a) This section applies only so far as it is brought into force by an Order of the Secretary of State. At present it has been brought into force, by Order gazetted November 4, 1892, only with regard to the following occupations :—

- The manufacture of articles of wearing apparel ;
- The manufacture of electro plate ;
- Cabinet and furniture making and upholstery work ;
- The manufacture of files.

(b) The occupier must now, besides keeping the list of outworkers prescribed by this section, send a similar list to the inspector (1895 s. 42. subs. (1)).

(c) For these words the following words are now substituted : “the factory inspector for the district within which the offence is charged to have been committed” (1895 s. 44. subs. (2)).

(d) This section establishes a *primâ facie* presumption (with certain exceptions) that a person found on the premises is employed there.

31. In section ninety-three of the principal Act for the words “a place solely used as a dwelling shall not be deemed to form part of the factory or workshop for the purposes of this Act,” shall be substituted the words “a room solely used for the purpose of sleeping therein shall not be deemed to form part of the factory or workshop for the purposes of this Act.”

Amendment of
41 & 42 Vict.
c. 16, s. 93.

32. Nothing in the principal Act as amended by this Act shall apply to the process of cleaning and preparing fruit so far as is necessary to prevent the spoiling of the fruit on its arrival at a factory or workshop during the months of June, July, August, and September.

Saving for
persons em-
ployed in
process of
cleaning fruit.

33. In the application of this Act to Scotland, the following modifications shall be made, namely,—

Application to
Scotland.

(1.) The expression “Births and Deaths Registration Acts, 1836 to 1874,” shall mean the Acts relating to the registration of births, deaths, and marriages in Scotland:

(2.) The expression “Public Health Act, 1875,” where it occurs in section seven of this Act shall mean the Public Health (Scotland) Act, 1867, and the Acts amending the same:

30 & 31 Vict.
s. 101.

(3.) The Board of Supervision shall be substituted for the Local Government Board:

(4.) In lieu of Christmas Day, and either Good Friday or the next public holiday under the Holidays Extension Act, 1875, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop within a burgh or police burgh, the two days in each year set apart by the Church of Scotland for the observance of the sacramental fast in the parish in which the factory or workshop is situate, and in such burghs or police burghs where such fast days have been abolished or discontinued there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop in such burghs or police burghs such two whole days in each year, separated by an interval of not less than three months, as shall be fixed by the magistrates or police commissioners in such burghs or police burghs, and such magistrates or police commissioners, as the case may be, are hereby required to fix, and from time to time, if it shall seem expedient to them to do so, to alter such holidays, and give public notice thereof fourteen days before the date at any time fixed.

38 & 39 Vict.
c. 13.

[(5.) (a) *Where a death has occurred by accident in any factory or workshop a public inquiry in open court shall be held by the sheriff, upon the petition of any party interested, and the sheriff shall forthwith advise the district inspector under this Act of the time and place of the holding of the inquiry, and at such inquiry*

(a) This sub-section is now repealed (1895 sched. 3). Its effect is included in 1895 s. 21.

any relative of any person whose death has been caused by the accident with respect to which the inquiry is being held, and the occupier or manager of the factory or workshop in which the accident occurred, and any person appointed by the order in writing of the majority of the workpeople employed in the said factory or workshop, shall be at liberty to attend and examine any witness, either in person, or by his counsel, solicitor, or agent, subject nevertheless to the order of the sheriff.]

Amendment of
41 Vict. c. 16.
s. 106, as to
holidays in
Ireland.

34. For sub-section (2) of section one hundred and six of the principal Act, the following sub-section shall be substituted:—

(2.) In lieu of any two half-holidays allowed under the provisions of sub-section (2) of section twenty-two of this Act, there shall be allowed as a holiday to every child, young person, and woman employed in a factory or workshop the whole of the seventeenth day of March, when that day does not fall on a Sunday, or at the option of the occupier of the factory or workshop, either Good Friday (unless that day is otherwise fixed as a holiday) or Easter Tuesday.

Amendment of
41 & 42 Vict.
c. 16. s. 104.

35. The fee to be charged in pursuance of section one hundred and four of the principal Act shall not exceed sixpence, and that section shall apply in the case of a young person under the age of sixteen years in like manner as it applies in the case of a child.

Amendment of
46 & 47 Vict.
c. 53. s. 18.

36. The expression “retail bakehouse” in the Factory and Workshops Act, 1883, shall not include any place which is a factory within the meaning of the principal Act.

Definitions of
“machinery”
and “domestic
workshop.”

37.—(1.) For the purposes of the principal Act and this Act the expression “machinery” shall include any driving strap or band, and the expression “process” shall include the use of any locomotive.

(2.) In this Act the expression “domestic workshop” means a workshop to which section sixteen of the principal Act applies.

Amendment of
41 & 42 Vict.
c. 16. Sch. IV.

38. There shall be added in line three sub-section (3), of the Fourth Schedule of the principal Act, after “earthenware,” the words “or china.”

Repeal.

39. The enactments specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Provided that any special rules or requirements made under any enactment repealed by this Act shall continue to have effect as if made under this Act, and the provisions of this Act shall apply thereto accordingly.

Commencement
of Act.

40. This Act shall, except where it is otherwise expressed, come into operation on the first day of January one thousand eight hundred and ninety-two.

41.—(1.) This Act may be cited as the Factory and Workshop Act, 1891, and shall be construed as one with the Factory and Workshop Act, 1878.

(2.) The Factory and Workshop Act, 1878, the Factory and Workshop Act, 1883, and the Cotton Cloth Factories Act, 1889, may, together with this Act, be cited collectively as the Factory and Workshops Acts, 1878 to 1891.

Short title and construction.
41 & 4 Vict.
c. 16.
46 & 47 Vict.
c. 53.
52 & 53 Vict.
c. 62.

SCHEDULES.

FIRST SCHEDULE.

Section 7, 8.

1. The parties to the arbitration are in this schedule deemed to be the occupiers of the factory or workshop on the one hand and the chief inspector, on behalf of the Secretary of State, on the other.

2. Each of the parties to the arbitration may, within fourteen days after the date of the reference, appoint an arbitrator.

3. No person shall act as arbitrator or umpire under this Act who is employed in, or in the management of, or is interested in, the factory or workshop to which the arbitration relates.

4. The appointment of an arbitrator under this section shall be in writing, and notice of the appointment shall be forthwith sent to the other party to the arbitration, and shall not be revoked without the consent of that party.

5. The death or removal of, or other change in, any of the parties to the arbitration shall not affect the proceedings under this schedule.

6. If within the said fourteen days either of the parties fails to appoint an arbitrator, the arbitrator appointed by the other party may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

7. If before an award has been made any arbitrator appointed by either party dies or becomes incapable to act, or for seven days refuses or neglects to act, the party by whom that arbitrator was appointed may appoint some other person to act in his place; and if he fails to do so within seven days after notice in writing from the other party for that purpose, the remaining arbitrator may proceed to hear and determine the matter in difference, and in that case the award of the single arbitrator shall be final.

8. In either of the foregoing cases where an arbitrator is empowered to act singly, on one of the parties failing to appoint, the party so failing may, before the single arbitrator has actually proceeded in the arbitration, appoint an arbitrator, who shall then act as if no failure had occurred.

9. If the arbitrators fail to make their award within twenty-one days after the day on which the last of them was appointed, or

within such extended time (if any) as may have been appointed for that purpose by both arbitrators under their hands, the matter in difference shall be determined by the umpire appointed as hereinafter mentioned.

10. The arbitrators, before they enter on the matter referred to them, shall appoint by writing under their hands an umpire to decide on points on which they may differ.

11. If the umpire dies or becomes incapable of acting before he has made his award, or refuses to make his award within a reasonable time after the matter has been brought within his cognizance, the persons or person who appointed such umpire shall forthwith appoint another umpire in his place.

12. If the arbitrators refuse or fail, or for seven days after the request of either party neglect, to appoint an umpire, then on the application of either party an umpire may be appointed by the chairman of the quarter sessions within the jurisdiction of which the factory or workshop is situate.

13. The decision of every umpire on the matters referred to him shall be final.

14. If a single arbitrator fails to make his award within twenty-one days after the day on which he was appointed, the party who appointed him may appoint another arbitrator to act in his place.

15. Arrangements shall, whenever practicable, be made for the matters in difference being heard at the same time before the arbitrators and the umpire.

16. The arbitrators and the umpire, or any of them, may examine the parties and their witnesses on oath, and may also consult any counsel, engineer, or scientific person whom they may think it expedient to consult.

17. The payment, if any, to be made to any arbitrator or umpire for his services shall be fixed by the Secretary of State and together with the costs of the arbitration and award shall be paid by the parties, or one of them, according as the award may direct. Such costs may be taxed by a master of the Supreme Court, or, in Scotland, by the auditor of the Court of Session, and the taxing officer shall, on the written application of either of the parties, ascertain and certify the proper amount thereof. The amount, if any, payable by the Secretary of State shall be paid as part of the expenses of inspectors under the principal Act. The amount, if any, payable by the occupier of the factory or workshop may in the event of nonpayment be recovered in the same manner as fines under the principal Act.^(a)

(a) See also 1895, s. 12.

SECOND SCHEDULE.

Section 39.

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16. -	The Factory and Workshop Act, 1878.	<p>In section three, the words "and a "workshop" and "or workshop" wherever they occur.</p> <p>In section five, sub-section (1), the words "near to which any person is "liable to pass or to be employed."</p> <p>Sections six, seven, and eight.</p> <p>Section fifteen, from "and" at the end of sub-section (1) to the end of the section.</p> <p>In section twenty-two, sub-section (4).</p> <p>In section thirty-one, the words "and "is of such a nature as to prevent "the person injured by it from re- "turning to his work in the factory "or workshop within forty-eight "hours after the occurrence of the "accident."</p> <p>In section thirty-three the words "and "workshop," "or workshop," and "or workshops," wherever they respectively occur.</p> <p>Section sixty-one, from "or" at the end of the paragraph marked (a) to the words "workshop on that "system."</p> <p>Section sixty-nine.</p> <p>Section ninety-one, from "(1.) The "information shall be laid" to "commission of the offence."</p> <p>In section one hundred and one, the words "or workshop."</p>
46 & 47 Vict. c. 53. -	The Factory and Workshop Act, 1883.	Sections seven to twelve and sub-sections (2) and (3) of section seventeen.
51 & 52 Vict. c. 22. -	The Factory and Workshop Amendment (Scotland) Act, 1888.	The whole Act.
52 & 53 Vict. c. 62. -	The Cotton Cloth Factories Act, 1889.	Section twelve.



FACTORY AND WORKSHOP ACT, 1895.
[58 & 59 VICT. CH. 37.]

ARRANGEMENT OF SECTIONS.

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

Section.

1. Overcrowding of factory or workshop.
2. Power to make order as to dangerous factory or workshop.
3. Provision as to notice to sanitary authority.
4. Power to make order as to dangerous machine.
5. Penalty for employment of persons in places injurious to health.
6. Penalty for allowing wearing apparel to be made in place where there is infectious disease.
7. Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.
8. Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning of machinery in motion.
9. Regulation as to position of self-acting machine.
10. Provisions for escape from fire.
11. Provision as to arbitration with respect to fire escapes.
12. Representation of workmen on arbitration as to special rules.
13. Extension of 41 & 42 Vict. c. 16. s. 82, to death or injury caused by neglect of Act or special rules.

Employment.

14. Restriction of overtime employment.
15. Registers of children and young persons made compulsory in certain workshops.
16. Restrictions on employment inside and outside factory or workshop on the same day.

Holidays.

17. Days to be observed as holidays in England and Wales.

Accidents.

18. Notices of accidents.
19. Inquests.
20. Register of accidents.
21. Power to direct formal investigation.

SPECIAL RULES AND REQUIREMENTS.

Laundries.

22. Application of Factory Acts to laundries.

Docks, &c.

23. Extension to docks, &c. of certain provisions of Factory Acts.

Tenement Factories.

Section.

- 24. Substitution of owner of tenement factory for occupier for certain purposes.
- 25. Regulations as to grinding and cutlery in tenement factory.
- 26. Validity of certificate of fitness in tenement factory.

Bakehouses.

- 27. Provisions as to bakehouses.

Special Restrictions as to Employment.

- 28. Power to prohibit or restrict employment in dangerous trade.

Special Provisions for Health.

- 29. Notification of certain diseases to chief inspector.
- 30. Lavatories in dangerous trades.
- 31. Provisions as to humid factories.
- 32. Temperature in factories and workshops.
- 33. Amendment of 41 & 42 Vict. c. 16. s. 36, as to use of fans.

MISCELLANEOUS AMENDMENTS.

- 34. Annual returns of persons employed.
- 35. Sanitary conveniences.
- 36. Amendment of 41 & 42 Vict. c. 16. ss. 13 and 14, as to period of employment.
- 37. Amendment of 41 & 42 Vict. c. 16. s. 52, and Third Schedule, Parts I. and III.
- 38. Amendment of 41 & 42 Vict. c. 16. s. 58, as to shifts.
- 39. Power to treat separate branches as separate factories.
- 40. Particulars respecting wages to be furnished in certain cases.
- 41. Notice of existing workshops.
- 42. Amendment and extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of outworkers.
- 43. Evidence as to failure to limewash.
- 44. Amendment of 41 & 42 Vict. c. 16. s. 66, and 54 & 55 Vict. c. 75. s. 29.
- 45. Amendment of 41 & 42 Vict. c. 16. s. 68, as to powers of inspector.
- 46. Special inquiries and re-examinations by certifying surgeons.
- 47. Publication of orders.
- 48. Service of documents on owner.
- 49. Competency of defendant to give evidence.
- 50. Payment of costs by actual offender in lieu of occupier.
- 51. Right of inspector to conduct proceedings before magistrates.
- 52. Application to Ireland.
- 53. Interpretation.
- 54. Repeal.
- 55. Commencement of Act.
- 56. Short titles and construction.

SCHEDULES.



FACTORY AND WORKSHOP ACT, 1895.

AN Act to amend and extend the Law relating to Factories and Workshops.
[6th July 1895.]

GENERAL LAW RELATING TO FACTORIES AND WORKSHOPS.

Sanitary Provisions and Safety.

Over-crowding
of factory or
workshop.

1.—(1.) A factory shall for the purpose of section three of the principal Act, and a workshop shall for the purpose of the law relating to public health, be deemed to be so overcrowded as to be dangerous or injurious to the health of the persons employed therein, if the number of cubic feet of space in any room therein bears to the number of persons employed at once in the room a proportion less than two hundred and fifty, or, during any period of overtime, four hundred, cubic feet of space to every person.(a)

(2.) Provided that the Secretary of State may, by order made in accordance with section sixty-five of the principal Act, modify this proportion for any period during which artificial light other than electric light is employed for illuminating purposes, and may by like order, as regards any particular manufacturing process or handicraft, substitute for the said figures of two hundred and fifty and four hundred respectively any higher figures, and thereupon this section shall have effect as modified by the order.

(3.) Section seventy-eight of the principal Act shall be read as if there were included among the notices required by that section to be affixed a notice specifying the number of persons who may be employed in each room of the factory or workshop by virtue of this section.(b)

Power to make
order as to
dangerous
factory or
workshop.

2.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any place used as a factory or workshop or as part of a factory or workshop is in such a condition that any manufacturing process or handicraft carried on therein cannot be so carried on without danger to health or to life or limb, by order, prohibit the place from being used for the purpose of that process or handicraft, until such works have been executed as are in the opinion of the court necessary to remove the danger.

(2.) Provided that proceedings shall not be taken under this section in cases where proceedings might be taken by or at the

(a) Previously there was no fixed minimum proportion of space, but it was left to the court to determine in each case whether a room was so overcrowded as to be unhealthy. It was the practice of inspectors to require the proportions now made compulsory.

(b) These notices must be affixed at the entrance, and in any other place required by an inspector (1878 s. 78).

instance of any sanitary authority under the provisions of the law relating to public health, unless the inspector is authorised to take proceedings in pursuance of section one or section two of the Act of 1891.(a)

(3.) If there is any contravention of an order under this section the occupier of the place shall be liable to a fine not exceeding forty shillings a day during such contravention.

3.—(1.) Where notice of an act, neglect, or default is given by an inspector under section four of the principal Act to a sanitary authority,(b) it shall be the duty of the sanitary authority to inform the inspector of the proceedings taken in consequence of the notice.

Provision as to notice to sanitary authority.

(2.) In section two of the Act of 1891, for the words “within a reasonable time” shall be substituted the words “within one month.”

4.—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that any machine used in a factory or workshop is in such a condition that it cannot be used without danger to life or limb, by order prohibit the machine from being used, or, if it is capable of repair or alteration, from being used until it is duly repaired or altered.

Power to make order as to dangerous machine.

(2.) Where a complaint has been made under this section the court or a justice may, on application ex parte by the inspector, and on receiving evidence that the use of any such machine involves imminent danger to life, make an interim order prohibiting either absolutely or subject to conditions the use of the machine until the earliest opportunity for hearing and determining the complaint.

(3.) If there is any contravention of an order under this section the person entitled to control the use of the machine shall be liable to a fine not exceeding forty shillings a day during such contravention.

5.(c)—(1.) If an inspector gives notice in writing to the occupier of a factory or workshop, or to any contractor employed by any such

Penalty for employment of persons in places injurious to health.

(a) This proviso will prevent proceedings under the section where the structural condition of the premises is such that there is injury to health (38 & 39 Vict. c. 55. s. 90 (1): 54 & 55 Vict. c. 76. s. 2 subs. (1) (a)). Examples of cases in which the section will apply are cases where walls or ceiling, or other parts of the structure, are in a dangerous condition, or (probably) where the provision for ventilation is defective. Where the danger arises from defective machinery, s. 4 (below) will apply, not this section.

(b) See note (c) on 1878, s. 4.

(c) This section represents the first attempt to deal effectively with the condition of “sweaters’ dens.” Its enforcement will be made easier by the duty imposed in certain cases on the occupier and contractor of keeping lists of outworkers and their workplaces open to inspection (1891 s. 27), and of sending similar lists twice a year to the inspector (1895 s. 42). It appears that injury or danger to health, within the meaning of this section, would include injury or danger arising from any of the causes mentioned in 1878 s. 3, including overcrowding. By the scheme of the section, the occupier or contractor has a month’s grace after receipt of notice from the inspector, and after that time, if he continues to send out work to the same place, he is

occupier, that any place in which work is carried on for the purpose of or in connexion with the business of the factory or workshop is injurious or dangerous to the health of the persons employed therein, then, if the occupier or contractor after the expiration of one month from receipt of the notice gives out work to be done in that place, and the place is found by the court having cognizance of the case to be so injurious or dangerous, he shall be liable on summary conviction to a fine not exceeding ten pounds.

(2.) This section shall apply in the case of the occupier of any place from which any work is given out as if that place were a workshop.

(3.) Provided that this section shall not apply except in the case of persons employed in such classes of work, and in the case of persons giving out employment and employed within such areas, as may from time to time be specified by the Secretary of State by order made in accordance with section sixty-five of the principal Act, and no such order shall be made except with respect to an area where, by reason of the number and distribution of the population or the conditions under which work is carried on, there are special risks of injury or danger to the health of the persons employed and of the district.

Penalty for allowing wearing apparel to be made in place where there is infectious disease.

6. If any occupier of a factory or workshop or laundry or of any place from which any work is given out, or any contractor employed by any such occupier, causes or allows wearing apparel to be made, cleaned, or repaired in any dwelling-house or building occupied therewith, whilst any inmate of the dwelling-house is suffering from scarlet fever or small-pox, then, unless he proves that he was not aware of the existence of the illness in the dwelling-house, and could not reasonably have been expected to become aware of it, he shall be liable to a fine not exceeding ten pounds.

Amendment of 41 & 42 Vict. c. 16. s. 5, as to fencing.

7.—(1.) In paragraph (1) of section five of the principal Act for the words “a steam engine and water wheel” shall be substituted the words “any water-wheel or engine worked by any such power.”

(2.) In paragraph (3) of the same section after the word “employed,” the words “or working” shall be inserted.

(3.) In paragraph (4) of the same section for the words “for the purpose of any manufacturing process” shall be substituted the

responsible for seeing that it is never overcrowded or otherwise dangerous. But if the occupier is not personally to blame, he may be able to transfer his liability to the person actually to blame by virtue of 1878 s. 87. Query whether this could be done by a contractor.

It will be observed that, by virtue of subs. (3), this section will apply only to occupations and areas specially named by the Secretary of State. The conditions limiting his power to bring the section into operation are defined in subs. (3). There must be special risk, not only to the persons employed, but also to the district. How there can be danger to the district, as distinguished from danger to the workpeople, except in case of infection, is not quite clear.

words “except where the parts are under repair or under “examination in connexion with repair, or are necessarily exposed for the purpose of cleaning or lubricating or for altering the gearing or arrangements of the parts of the machine.”

8. The first paragraph of section nine of the principal Act (which relates to the cleaning of machinery) shall apply, so far as the dangerous parts of machinery are concerned, to young persons in like manner as it applies to children,^(a) and for this purpose such parts of the machinery shall, unless the contrary is proved, be presumed to be dangerous as are so notified by an inspector to the occupier of the factory.

Amendment of 41 & 42 Vict. c. 16. s. 9, as to restriction on cleaning of machinery in motion.

9.—(1.) In a factory erected after the commencement of this Act, the traversing carriage of any self-acting machine shall not be allowed to run out within a distance of eighteen inches from any fixed structure not being part of the machine, if the space over which it so runs out is a space over which any person is liable to pass, whether in the course of his employment or otherwise.

Regulation as to position of self-acting machine.

(2.)^(b) A person employed in a factory shall not be allowed to be in the space between the fixed and the traversing portions of a self-acting machine unless the machine is stopped with the traversing portion on the outward run, but for the purpose of this provision the space in front of a self-acting machine shall not be included in the space aforesaid.

(3.) A factory in which a traversing carriage is allowed to run out in contravention of this section shall be deemed not to be kept in conformity with the principal Act, and any person allowed to be in the space aforesaid in contravention of this section, shall be deemed to be employed contrary to the provisions of the principal Act.

10.^(c)—(1.) A court of summary jurisdiction may, on complaint by an inspector, and on being satisfied that the provision of a moveable fire escape or moveable fire escapes is required for the safety of any of the persons employed in a factory or workshop, by order require the occupier of the factory or workshop to provide and maintain a moveable fire escape or moveable fire escapes sufficient for that purpose.

Provisions for escape from fire.

(2.) While any person employed in a factory or workshop is within the factory or workshop for the purpose of employment or meals, the doors of the factory or workshop, and of any room therein in which any such person is, shall not be locked or bolted

(a) Children are absolutely prohibited from cleaning machinery in motion, young persons (by this section) only if the machinery is dangerous.

(b) This sub-section is an extension of 1878 s. 7 paragraph (3), and applies to male adults. But the penalty imposed by subs. (3) apparently does not apply to male adults, since there is no penalty for employing them contrary to the provisions of the principal Act (1878 s. 83).

(c) It will be observed that the obligation to provide moveable fire escapes, which is created for the first time by this Act, does not arise until the court makes an order.

or fastened in such a manner that they cannot be easily and immediately opened from the inside.

(3.) In every factory or workshop the construction of which is commenced after the commencement of this Act, the doors of each room in which more persons than ten are employed, shall, except in the case of sliding doors, be constructed so as to open outwards.

(4.) Sub-section one of section seven of the Act of 1891 shall apply to all workshops the construction of which is commenced after the commencement of this Act, and in which more than forty persons are employed, in like manner as it applies to factories, and sub-section two of that section shall apply to all workshops to which the foregoing provision of this sub-section does not apply, in like manner as it applies to factories.(a)

(5.) For the purpose of enforcing the provisions of section seven of the Act of 1891 with respect to fire escapes, an inspector may give the like notice and take the like proceedings as under section four of the principal Act and section two of the Act of 1891, and the provisions of those sections shall apply accordingly.(b)

(6.) If there is any contravention of an order under this section the occupier of the factory or workshop shall be liable to a fine not exceeding forty shillings a day during such contravention, and a factory or workshop in which there is a contravention of the requirements of this section shall be deemed not to be kept in conformity with the principal Act.

Provision as to arbitration with respect to fire escapes.

11.—(1.) An application to refer, under section seven of the Act of 1891, a difference as to a notice by a sanitary authority or by the London County Council must be made within one month after the time when the difference arises.

(2.) Where such a difference is referred to arbitration, the notice of the sanitary authority or council shall be discharged, amended, or confirmed in accordance with the award in the arbitration.

Representation of workmen on arbitration as to special rules.

12. Where any matter in difference is referred to arbitration under section eight of the Act of 1891, the arbitrators or umpire may, on the application of any of the workmen employed in the class of employment to which the arbitration relates, and on such security, if any, as may appear to the arbitrators or umpire sufficient to provide for the costs of and consequential on the application,

(a) S. 7 of the Act of 1891 deals with means of escape from upper storeys in case of fire. Subs. (1) of that section makes a certificate from the sanitary authority, that the means of escape are satisfactory, a condition of opening a new factory. Subs. (2) makes it the duty of the sanitary authority to require the measures necessary for safety to be taken in an old factory, and any difference between the occupier and the sanitary authority is settled by arbitration. Both these sub-sections apply only to factories where more than 40 persons are employed.

(b) The effect of this is that the inspector may give notice of default, and, if the sanitary authority do not act within a month, the inspector may act in their place (*see note (c) on 1878 s. 4*).

appoint any person to represent the workmen, or any class of them, on the arbitration, and any person so appointed shall be entitled to attend and take part in the proceedings of the arbitration either in person or by his counsel, solicitor, or agent to such extent and in such manner as the arbitrators or umpire may direct, and shall be subject to the same liability with respect to such costs as aforesaid as if he were a party to the arbitration.

13. Section eighty-two of the principal Act, which provides penal compensation to persons injured by neglect to fence machinery, shall extend to any death or bodily injury or injury to health in consequence of the occupier of a factory or workshop having neglected to observe any provision of the Factory Acts or any special rule or requirement made in pursuance of the Act of 1891.^(a) Provided that in the case of injury to health the occupier shall not be liable under this section unless the injury was caused directly by such neglect.^(b)

Extension of 41 & 42 Vict. c. 16. s. 82, to death or injury caused by neglect of Act or special rules.

Employment.

14.—(1.) A young person shall not be employed overtime in pursuance of section fifty-three of the principal Act.^(c)

Restriction of overtime employment.

(2.) A woman shall not be employed overtime in pursuance of section fifty-three of the principal Act for more than three days in any one week or for more than thirty days in any twelve months, and shall not be employed overtime in pursuance of section fifty-six of the principal Act for more than sixty days in any twelve months; and, accordingly, in section fifty-three the words “three days,” and “thirty days” shall be substituted for the words “five days,” and “forty-eight days,” and in section fifty-six the words “sixty days” shall be substituted for the words “ninety-six days.”

(3.) Section fifty-eight of the principal Act shall, from and after the first day of January one thousand eight hundred and ninety-seven, apply only to male young persons of fourteen years of age or upwards,^(d) and the powers of the Secretary of State under section sixty-three of the principal Act shall extend to making orders as to the total number of hours of employment in each week, the periods of employment, and the intervals between such periods, which are to be conditions of the employment of young persons at night, and to rescinding such orders.^(e)

(a) For the subject of penal compensation, and the right of a workman to other compensation in case of injury, see notes (b) and (d) on 1878 s. 82.

(b) This proviso is probably only intended to be a statement of an existing rule of law, inserted *in majorem cautelam*. It might be inferred from it that the occupier might be liable in case of death or bodily injury not caused directly by his default. But this would be a dangerous inference.

(c) The only sections under which young persons can now be employed overtime are ss. 54, 55, and 57 of the Act of 1878.

(d) See note (b) on 1878 s. 58.

(e) This will apply to employment at night under ss. 59 and 60, as well as under s. 58.

(4.) Section fifty-eight of the principal Act shall not authorise in any factory specified in Part Six of the Third Schedule to the principal Act the employment during the night of young persons in any process other than a process incidental to the business of the factory as described in Part One of the Fourth Schedule to that Act.^(a)

(5.) A young person shall not, in pursuance of section fifty-nine of the principal Act,^(b) be employed more than twelve hours continuously.

(6.) Section sixty of the principal Act^(c) shall, from and after the first day of January one thousand eight hundred and ninety-seven, apply only to male young persons of fourteen years of age and upwards, and nothing in that section shall be construed as authorising the employment of any person on Sunday.

(7.) For paragraph (4) of the said section sixty shall be substituted the following sub-section :—

“(4.) Such young person shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.”

(8.) Nothing in the Factory Act shall be construed as authorising work during overtime on Saturday, or on any day substituted for Saturday as a half holiday, but work in accordance with section fifty of the principal Act^(d) shall not be deemed work during overtime.

Registers of children, &c., made compulsory in certain workshops.

15. Section seventy-seven of the principal Act, which requires registers to be kept of children and young persons, shall apply to all workshops to which section fifty-three of the principal Act applies.^(e)

Restrictions on employment inside and outside factory or workshop on the same day.

16.^(f)—(1.) A child shall not, except during the period of employment, be employed in the business of a factory or workshop outside the factory or workshop on any day during which the child is employed in the factory or workshop.

(2.) A young person or woman shall not, except during the period of employment, be employed in the business of a factory or

(a) The object of this sub-section is to make it clear that no one may be employed in a factory at night, by virtue of 1878 s. 58, on any work outside the ordinary business of the factory.

(b) This section authorises the employment of male young persons to print newspapers at night for two nights a week.

(c) This section legalises the customary hours of work in glass works, with certain restrictions.

(d) This section authorises Saturday afternoon work in certain cases in a factory occupied by a Jew.

(e) The object of this section is to prevent the overtime employment of young persons among women whose overtime employment is authorised under 1878 s. 53.

(f) Apart from this section, a person who had worked full time in a factory or workshop might be further employed by the same employer at home or elsewhere outside the factory or workshop. Subs. (1) (2) and (3) relate to home work, subs. (4) to work in a shop.

workshop outside the factory or workshop on any day during which the young person or woman is employed in the factory or workshop both before and after the dinner hour.

(3.) For the purposes of this section a child, young person, or woman to or for whom any work is given out, or who is allowed to take out any work to be done by him or her outside a factory or workshop, shall be deemed to be employed outside the factory or workshop on the day on which the work is so given or taken out.

(4.) If a young person or woman is employed by the same employer on the same day both in a factory or workshop and in a shop, the whole period of employment of that young person or woman shall not exceed the number of hours permitted by the Factory Acts for his or her employment in the factory or workshop.^(a)

(5.) The principal Act shall apply as if any child, young person, or woman employed in contravention of this section were employed in a factory or workshop contrary to the provisions of that Act.

(6.) Where it is proved to the satisfaction of the Secretary of State that the customs or exigencies of the trade carried on in any class of factories or workshops, or parts thereof, either generally or situate in any particular locality, require that such trade should be exempted from the operation of this section, he may by order grant to such class of factories or workshops, or parts thereof, such special exemption as may be necessary.

Holidays.

17. (b) Subject to and in the absence of any notice affixed and forwarded as provided by the principal Act and the Act of 1891,^(c) and substituting for any holiday herein-after mentioned another holiday or two half holidays,^(d) the holidays to be observed in a factory or workshop in England and Wales in pursuance of paragraphs (1) and (2) of section twenty-two of the principal Act shall be the whole of Christmas Day and of Good Friday,^(e) and of every

Days to be observed as holidays in England and Wales.

(a) By s. 3 subs. (2) of the Shop Hours Act, 1892, if a young person is employed, to the shopkeeper's knowledge, first in a factory or workshop, and then in a shop, the total period of employment must not exceed that allowed for the factory or workshop. This new sub-section applies to women as well as to young persons, but only in cases where the employer in the shop is the same as in the factory or workshop.

(b) For the effect of this section, see note (b) on 1878 s. 22.

(c) This refers to 1891 s. 16, by which a new paragraph is substituted for 1878 s. 22 paragraph (4).

(d) At least half must be between March 15 and October 1 (1878 s. 22 paragraph (3)).

(e) This section appears to authorise the employer to substitute other days for both Christmas Day and Good Friday. But since 1878 s. 16 paragraph (1) is not repealed, it seems probable that Christmas Day in England and Wales must always be observed as a holiday. With regard to the power of a Jewish occupier to substitute other days for Christmas Day and Good Friday, see 1878 s. 50.

bank holiday, and, unless any other holidays or half-holidays are so substituted, it shall not be necessary to affix in the factory or workshop any notice of the holidays or half-holidays to be observed, or to forward a copy of any such notice to the inspector of the district.

Accidents.

Notice of
accidents.

18. (a) For section thirty-one of the principal Act the following section shall be substituted namely,—

(1.) Where there occurs in a factory or workshop any accident (b) which either—

(a) causes loss of life to a person employed in the factory or in the workshop; or

(b) causes to any person employed in the factory or workshop such bodily injury as to prevent him on any one of the three working days next after the occurrence of the accident from being employed for five hours on his ordinary work. (c)

written notice shall forthwith be sent to the inspector for the district.

(2.) If the accident causes loss of life, or is produced either by machinery moved by steam, water, or other mechanical power or through a vat, pan, or other structure filled with hot liquid or molten metal or other substance, or by explosion or escape of gas, steam, or metal, then, unless notice thereof is required by section sixty-three of the Explosives Act, 1875, (d) to be sent to a Government inspector, notice thereof shall forthwith be sent to the certifying surgeon of the district.

(3.) The notice shall state the residence of the person killed or injured, and the place to which he has been removed.

(4.) If any notice required by this section to be sent with respect to an accident in a factory or workshop is not so sent, the occupier of the factory or workshop shall be liable to a fine not exceeding five pounds.

38 & 39 Vict.
c. 17.

(a) This section differs from the repealed section of the Act of 1878 in three points. First, notice must now be sent to the inspector (though not to the certifying surgeon), however the accident was caused, if the injury is sufficiently serious. Secondly, the test of seriousness of injury was formerly the injured person's inability to return to his work within 48 hours: now it is his inability to work for 5 hours at his ordinary work on any of the next 3 days. Thirdly, the notice must now state both the injured person's residence and the place to which he is removed. The last two alterations were first made by 1891 s. 22 (now repealed). But for these three alterations, the changes made by this section are in the matter of arrangement only.

(b) Whether caused by machinery or not (*Lakeman v. Stephenson*, L.R. 3 Q.B. 192).

(c) The words "ordinary work" carry out the decision in *Lakeman v. Stephenson* (supra) that a return in order to do temporary work of a light character is not enough.

(d) That is, in case of an explosion of "explosives" as defined by s. 3 of that Act.

(5.) If any accident to which this section applies occurs to a person employed in an iron mill or blast furnace, or other factory or workshop, where the occupier is not the actual employer of the person killed or injured, the actual employer shall immediately report the same to the occupier, and in default shall be liable to a fine not exceeding five pounds.

(6.) This section shall extend to workshops conducted on the system of not employing any child, young person, or woman therein.

19. Where a death has occurred by accident in any factory or workshop, the coroner shall adjourn the inquest, unless an inspector or some person on behalf of a Secretary of State is present to watch the proceedings, and shall at least four days before holding the adjourned inquest send to the inspector notice in writing of the time and place of holding the adjourned inquest.^(a) Inquests.

Provided that if the accident has not occasioned the death of more than one person, and the coroner has sent to the inspector notice of the time and place of holding the inquest at such time as to reach the inspector not less than twenty-four hours before the time of holding the same, it shall not be imperative on him to adjourn the inquest in pursuance of this section if the majority of the jury think it unnecessary so to adjourn.

20.—(1.) Every occupier of a factory or workshop shall keep a register of accidents, and shall enter therein every accident occurring in the factory or workshop of which notice is required by the Factory Acts^(b) within one week after the occurrence of the accident and this register shall be at all times open to inspection by the inspector and by the certifying surgeon for the district. Register of accidents.

(2.) If any occupier of a factory or workshop makes default in complying with the requirements of this section, he shall be liable on summary conviction to a fine not exceeding ten pounds.

21.—(1.) Where it appears to the Secretary of State that a formal investigation of any accident occurring in a factory or workshop and its causes and circumstances is expedient, the Secretary of State may direct that such an investigation be held, and with respect to any such investigation the provisions of sections forty-five and forty-six of the Coal Mines Regulation Act, 1887, shall have effect, except that references to the said Act in the said section forty-five shall be construed as references to the Factory Acts. Power to direct formal investigation.
50 & 51 Vict. c. 58.

(2.) This section shall extend to workshops conducted on the system of not employing any child, young person, or woman therein.

(a) See also 1891 s. 22 subs. (3).

(b) These are accidents causing death or serious bodily injury, however the accidents are caused (see 1895 s. 18 subs. (1)).

SPECIAL RULES AND REQUIREMENTS.

Laundries.

Application of
Factory Acts to
laundries.

22.(a)—(1.) In any laundry carried on by way of trade, or for purpose of gain, the following provisions shall apply:—

- (i.) The period of employment, exclusive of meal hours and absence from work, shall not exceed, for children, ten hours, for young persons, twelve hours, for women, fourteen hours, in any consecutive twenty-four hours; nor a total for children of 30 hours, for young persons and women of sixty hours, in any one week, in addition to such overtime as may be allowed in the case of women.(b)
- (ii.) A child or young person or woman shall not be employed continuously for more than five hours without an interval of at least half an hour for a meal.
- (iii.) Children, young persons, and woman employed in laundries shall have allowed to them the same holidays as are allowed to children, young persons, and women employed in a factory or workshop under the Factories and Workshops Acts, 1878 to 1895.
- (iv.) So far as regards sanitary provisions,(c) safety, accidents, the affixing of notices and abstracts and the matters to be specified in such notices (so far as they apply to laundries), notice of occupation of a factory or workshop, powers of inspectors, fines, and legal proceedings for any failure to comply with the provisions of this section, and education of children, the Factory Acts shall have affect as if every laundry in which steam, water, or other mechanical power is used in aid of the laundry process were a factory, and every other laundry were a workshop; and as if every occupier of a laundry were the occupier of a factory or of a workshop.
- (v.) The notice to be affixed in each laundry shall specify the period of employment and the times for meals, but the period

(a) In this section as it was first introduced into the House of Commons laundries were brought in general terms under the Factory Acts, as either factories or workshops, according as mechanical power was or was not used in them. The principle finally adopted was that of specifying the particular provisions of the Acts which are to apply to laundries, leaving them not subject to the rest. The most important difference made by this change is that the special regulations of the Acts with regard to period of employment and meal hours do not apply to laundries. Their place is taken by paragraphs (i) and (ii) of subs. (1).

(b) That is, under subs. (4) of this section.

(c) The meaning of "sanitary provisions" is not quite clear. The expressions in this paragraph are mostly taken from the headings of groups of sections in the Acts. But some sections in the Acts (*e.g.*, ss. 32, 34 of the Act of 1895) relate to sanitary matters though they do not come under the heading "sanitary provisions." And limewashing is included under "sanitary provisions" in the Act of 1891, though not in the Act of 1878. Probably occupiers of laundries will be wise to assume that a liberal interpretation will be given to the words in this paragraph.

and times so specified may be varied before the beginning of employment on any day.(a)

(vi.) Sections seventeen and eighteen of the Act of 1891(b) shall apply to laundries in like manner as to factories or workshops.

(2.) In the case of every laundry worked by steam, water, or other mechanical power—

(a) a fan or other means of a proper construction shall be provided, maintained, and used for regulating the temperature in every ironing-room, and for carrying away the steam in every washhouse in the laundry ; and

(b) all stoves for heating irons shall be sufficiently separated from any ironing-room, and gas irons emitting any noxious fumes shall not be used ; and

(c) the floors shall be kept in good condition and drained in such manner as will allow the water to flow off freely.

A laundry in which these provisions are contravened shall be deemed to be a factory not kept in conformity with the principal Act.

(3.) Nothing in this section shall apply to any laundry in which the only persons employed are—

(a) inmates of any prison, reformatory, or industrial school, or other institution for the time being subject to inspection under any Act other than the Factory Acts ; or

(b) inmates of any institution conducted in good faith for religious or charitable purposes ; or

(c) members of the same family dwelling there, or in which not more than two persons dwelling elsewhere are employed.

(4.) Women employed in laundries may work overtime, subject to the following conditions :—

(a.) No woman shall work more than fourteen hours in any day.

(b.) The overtime worked shall not exceed two hours in any day.

(c.) Overtime shall not be worked on more than three days in any week or more than thirty days in any year.

(d.) The requirements of section sixty-six of the principal Act and of section fourteen of the Act of 1891 with respect to notices shall be observed.(c)

(a) The occupier must not so vary the period as to exceed the lawful length of employment during any consecutive 24 hours. It follows that, on the day following a day of full work, the period may not begin earlier than on the previous day.

(b) S. 17 prohibits the employment of women within 4 weeks after childbirth : s. 18 prohibits the employment of children under 11.

(c) These sections require notice to be served on the inspector and affixed in the factory or workshop in advance, and the prescribed particulars of overtime worked to be entered in a register, reported to the inspector, and affixed in the factory or workshop.

Docks, &c.

Extension to
docks, &c. of
certain provi-
sions of Factory
Acts.

23.(a)—(1.) The following provisions, namely :—

- (i.) Section eighty-two of the principal Act ;(b)
- (ii.) The provisions of the Factory Acts with respect to accidents ;(c)
- (iii.) Section sixty-eight of the principal Act with respect to the powers of inspectors ;
- (iv.) Sections eight to twelve of the Act of 1891 with respect to special rules for dangerous employments ; and
- (v.) The provisions of this Act with respect to the power to make orders as to dangerous machines(d)

shall have effect as if—

- (a) every dock, wharf, quay, and warehouse, and, so far as relates to the process of loading or unloading therefrom or thereto, all machinery and plant used in that process ; and
- (b) any premises on which machinery worked by steam, water, or other mechanical power, is temporarily used for the purpose of the construction of a building or any structural work in connexion with a building,

were included in the word factory, and the purpose for which the machinery is used were a manufacturing process, and as if the person who by himself, his agents, or workmen temporarily uses any such machinery for the before-mentioned purpose were the occupier of the said premises ; and for the purpose of the enforcement of those sections the person having the actual use or occupation of a dock, wharf, quay, or warehouse, or of any premises within the same or forming part thereof, and the person so using any such machinery, shall be deemed to be the occupier of a factory.

(2.) The provisions of this Act with respect to notice of accidents and the formal investigation of accidents(e) shall have effect as if—

- (a) any building which exceeds thirty feet in height, and which is being constructed or repaired by means of a scaffolding ; and

(a) This section applies certain strictly limited portions of the Acts to two distinct classes of premises, the first consisting of docks, wharves, quays, and warehouses, the second of premises where machinery is used for building purposes. The most important of the provisions so applied is that part of the Act of 1891 which relates to Special Rules (ss. 8-12).

(b) This is the section providing for penal compensation. Its only application here will apparently be in case of breach of a Special Rule imposed by virtue of paragraph (iv.) below.

(c) This does not mean, of course, that the occupier will be liable in case of accidents arising from violation of the rules relating to safety, since these rules are not in force on premises to which this section applies. It merely applies the sections relating to notice, registers, and investigation of accidents (1878 s. 32 ; 1895 ss. 18-21).

(d) *i.e.*, s. 4.

(e) A register of accidents need not be kept on these premises.

(b) any building which exceeds thirty feet in height, and in which more than twenty persons, not being domestic servants, are employed for wages;

were included in the word "factory," and as if, in the first case, the employer of the persons engaged in such construction or repair, and, in the second case, the occupier of the building, were the occupier of a factory.

Tenement Factories.

24.—(1.) Where mechanical power is supplied to different parts of the same building (a) occupied by different persons for the purpose of any manufacturing process or handicraft in such manner that those parts constitute in law separate factories, the owner (b) (whether or not he is one of the persons so in occupation) of the building (which building is hereafter in this Act referred to as a tenement factory) shall, instead of the occupier, be liable for the observance, and punishable for non-observance, of the following provisions, namely:

Substitution of owner of tenement factory for occupier for certain purposes.

(a.) Section three of the principal Act, with respect to the sanitary condition of a factory; and

(b.) Sections five and eighty-two of the principal Act, with respect to the fencing of machinery in a factory, except so far as those sections relate to such parts of the machinery as are supplied by the occupier; and

(c.) Save as herein-after provided, (c) section nineteen of the principal Act, with respect to the notices to be affixed in a factory, (d) and the matters to be specified therein; and

(d.) Section thirty-three of the principal Act, with respect to the limewashing and washing of the interior of a factory, so far as it relates to any engine house, passage, or staircase, or to any room which is let to more than one tenant; and

(e.) Section thirty-six of the principal Act, with respect to the removal of dust, so far as that section requires the supply of pipes or other contrivances necessary for working the fan or other means for that purpose, and except in textile factories; and

(f.) Section seventy-eight of the principal Act, with respect to the affixing of an abstract and notices.

(2.) Where different industries are carried on in the same tenement factory, the obligation to affix the notice required by section nineteen of the principal Act shall be on the occupier and not on the owner.

(a) For the meaning of "building" in this section, see subs. (6) below.

(b) For the definition of "owner," see 1895 s. 53 subs. (1).

(c) i.e., by subs. (2) below.

(d) i.e., notices specifying the period of employment and meal hours, and the mode of employment of children.

(3.) Sections eight to eleven of the Act of 1891,^(a) shall, if and as far as in the case of a tenement factory the Secretary of State by order so directs, apply as if the owner of the factory were substituted for the occupier.

(4.) The provisions of this Act with respect to the power to make orders in the case of dangerous premises^(b) shall apply in the case of a tenement factory as if the owner were substituted for the occupier.

(5.) Where, by or under this section, the owner of a tenement factory is substituted for the occupier with respect to any provisions of the Factory Acts, any summons, notice, or proceeding, which for the purpose of any of those provisions is by the said Acts or any of them authorised or required to be served on or taken in relation to the occupier, is hereby authorised or required (as the case may be) to be served on or taken in relation to the owner.

(6.) For the purpose of the provisions of this Act with respect to tenement factories all buildings situate within the same close or curtilage shall be treated as one building.

(7.) This section shall not apply in the case of any occupier paying a rent in excess of two hundred pounds a year.

Regulations as to grinding and cutlery in tenement factory.

25.—(1.) Where grinding is carried on in a tenement factory, the owner of the factory shall be responsible for the observance of the regulations set forth in the First Schedule to this Act.

(2.) In every such tenement factory it shall be the duty of the owner and of the occupier of the factory respectively to see that such parts of the horsing chains and of the hooks to which the chains are attached as are supplied by them respectively are kept in efficient condition.

(3.) In every tenement factory where grinding or cutlery is carried on the owner of the factory shall provide that there shall at all times be instantaneous communication between each of the rooms in which the work is carried on and both the engine-room and the boiler-house.

(4.) A tenement factory in which there is any contravention of this section shall be deemed not to be kept in conformity with the principal Act, but for the purposes of any proceeding in respect of a provision for the observance of which the owner of the factory is responsible, that owner shall be substituted for the occupier of the factory.

(5.) This section shall not apply to a textile factory.

Validity of certificate of fitness in tenement factory.

26. A certificate of the fitness of any young person or child for employment in a tenement factory shall be valid for his similar employment in any part of the same tenement factory.

(a) These sections relate to Special Rules for dangerous employments.

(b) *i.e.*, s. 2.

Bakehouses.

27.—(1.) Sections thirty-four and thirty-five of the principal Act^(a) shall apply to every bakehouse, and so much of those sections as limits the operation thereof to cities, towns, and places having a population of more than five thousand persons shall be repealed. Provisions as to bakehouses.

(2.) In section fifteen of the Factory and Workshop Act, 1883, 46 & 47 Vict. c. 53. the words, “which was not so let or occupied before the first day “ of June, one thousand eight hundred and eighty-three,” shall be repealed.

(3.) A place under ground shall not be used as a bakehouse unless it is so used at the commencement of this Act, and if any place is so used in contravention of this Act it shall be deemed to be a workshop not kept in conformity with the principal Act.

Special Restrictions as to Employment.

28.—(1.) Section eight of the Act of 1891 shall extend to authorise the making of special rules or requirements prohibiting the employment of, or modifying or limiting the period of employment for, all or any classes of persons in any process or particular description of manual labour which is certified by the Secretary of State in pursuance of that section to be dangerous or injurious to health, or dangerous to life or limb. Provided that any special rules or requirements under this section which relate to the employment or period of employment of adult workers shall be laid for forty days before both Houses of Parliament before coming into operation. Power to prohibit or restrict employment in dangerous trade.

(2.) Sections eight to twelve of the Act of 1891 are hereby declared to extend to workshops conducted on the system of not employing any child, young person, or woman therein.

Special Provisions for Health.

29.—(1.) Every medical practitioner^(b) attending on or called in to visit a patient whom he believes to be suffering from lead, phosphorus, or arsenical poisoning, or anthrax, contracted in any factory or workshop, shall (unless the notice required by this section has been previously sent) send to the Chief Inspector of Factories at the Home Office, London, a notice stating the name and full postal address of the patient and the disease from which in the opinion of the medical practitioner the patient is suffering, and shall be entitled in respect of every notice sent in pursuance of this section to a fee of two shillings and sixpence to be paid as part of the expenses incurred by the Secretary of State in the execution of the principal Act. Notification of certain diseases to chief inspector.

(a) These sections relate to limewashing, painting and washing, and to sleeping places near bakehouses.

(b) It will be observed that this section applies to medical practitioners generally, not only to the certifying surgeon officially connected with the factory or workshop.

(2.) If any medical practitioner, when required by this section to send a notice, fails forthwith to send the same, he shall be liable to a fine not exceeding forty shillings.

(3.) Written notice of every case of lead, phosphorus, or arsenical poisoning, or anthrax, occurring in a factory or workshop, shall forthwith be sent to the inspector and to the certifying surgeon for the district; and the provisions of the Factory Acts with respect to accidents^(a) shall apply to any such case in like manner as to any such accident as is in those sections mentioned.

(4.) The Secretary of State may by order made in accordance with section sixty-five of the principal Act apply the provisions of this section to any other disease occurring in a factory or workshop, and thereupon this section and the provisions referred to therein shall apply accordingly.

Lavatories in dangerous trades.

30.—(1.) In every factory or workshop where lead, arsenic, or any other poisonous substance is used, suitable washing conveniences shall be provided for the use of the persons employed in any department where such substances are used.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

Provisions as to humid factories 52 & 53 Vict. c. 62.

31.—(1.) The Cotton Cloth Factories Act, 1889, shall apply to every textile factory in which atmospheric humidity is artificially produced by steaming or other mechanical appliances, and which is not for the time being subject to special rules under section eight of the Act of 1891, with such modifications of the schedule with respect to the maximum limits of humidity as the Secretary of State by order made in accordance with section sixty-five of the principal Act may direct.

(2.) In section nine of the Cotton Cloth Factories Act, 1889, the words “and the arrangements for such ventilation shall be kept in “operation subject, as far as possible, to the control of the persons “employed therein,” shall be repealed.

Temperature in factories and workshops.

32.—(1.) In every factory and workshop adequate measures shall be taken for securing and maintaining a reasonable temperature in each room in which any person is employed.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

Amendment of 41 & 42 Vict. c. 16. s. 36, as to use of fans.

33. Section thirty-six of the principal Act^(b) shall extend to any factory or workshop where any process is carried on by which any gas, vapour, or other impurity is generated and inhaled by the workers to an injurious extent.

(a) *i.e.*, 1878 s. 32, and 1895 ss. 18–21.

(b) This section requires ventilation by fan in certain cases.

MISCELLANEOUS AMENDMENTS.

34. The occupier of every factory and workshop shall on or before the first day of March in every year send to the inspector of the district on behalf of the Secretary of State a correct return specifying, with respect to the year ending on the preceding thirty-first day of December, the number of persons employed in the factory or workshop, with such particulars as to the age and sex of the persons employed as the Secretary of State may direct, and in default of complying with this section shall be liable to a fine not exceeding ten pounds.

Annual returns
of persons
employed.

35.—(1.) In every place where section twenty-two of the Public Health Acts Amendment Act 1890(*a*) is not in force every factory or workshop shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, having regard to the number of persons employed in or in attendance at the factory or workshop, and also where persons of both sexes are employed or intended to be employed, or in attendance, with proper separate accommodation for persons of each sex.

Sanitary con-
veniences.
53 & 54 Vict.
c. 59.

(2.) A factory or workshop in which there is a contravention of this section shall be deemed not to be kept in conformity with the principal Act.

36.—(1.) In the regulation numbered (1) in section thirteen of the principal Act, after the words “end at seven o’clock in the evening,” shall be inserted the words “or begin at eight o’clock in the morning and end at eight o’clock in the evening.”

Amendment of
41 & 42 Vict.
c. 16. ss. 13, 14,
as to period of
employment.

(2.) In the regulation numbered (2) in the same section, after the words “two o’clock in the afternoon,” shall be inserted the words “or when it begins at seven o’clock in the morning, at three o’clock in the afternoon, or begin at eight o’clock in the morning and end at four o’clock in the afternoon.”(*b*)

(3.) If in a non-textile factory or workshop the period of employment of young persons and women is from eight o’clock in the morning to eight o’clock in the evening, then, subject to the provisions of section fourteen of the principal Act, (*c*) the period of employment of a child in a morning set may begin at eight o’clock

(*a*) This section is in force only where it is adopted by the district council. It may be adopted in urban districts only (53 & 54 Vict. c. 59. s. 3 paragraphs (1) and (2) and s. 50). Its requirements with regard to sanitary conveniences are the same as those of the above section. In London, 54 & 55 Vict. c. 76. s. 38 has the same provisions, which may therefore be enforced in London either by the local authority or by the factory inspector. Elsewhere, 38 & 39 Vict. c. 55. s. 38 contains similar provisions, applying only to places where persons of both sexes are employed.

(*b*) The effect of subs. (1) and (2), is to authorise employment from 8 to 8, and on Saturdays from 7 to 3 or from 8 to 4, for young persons and women in any non-textile factory or workshop. Previously these hours were authorised only in the special cases coming under 1878 s. 42.

(*c*) The material provisions of 1878 s. 14 controlling this sub-section are paragraphs (4) and (6).

in the morning, and in an afternoon set may end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon, and the period of employment of a child employed on the alternate day system may begin at eight o'clock in the morning, and end at eight o'clock in the evening, or on Saturday at four o'clock in the afternoon.

Amendment of
41 & 42 Vict.
c. 16. s. 53, and
Third Schedule,
Part III.

37.(a)—(1.) In section fifty-three of the principal Act—

For the words “the factories and workshops or parts thereof” shall be substituted the words “the non-textile factories and workshops or parts thereof and warehouses”; and

For the words “the factories and workshops and parts thereof” shall be substituted the words “the non-textile factories and workshops and parts thereof and warehouses,”

wherever those words respectively occur in that section.

(2.) In Part Three of the Third Schedule to the principal Act, before the word “factories” shall be inserted the word “non-textile,” the words “and also” are hereby repealed, and for the paragraph marked “(x.)” there shall be substituted the following paragraph, namely:

“The said exception applies also to any part of a factory (whether textile or non-textile) or workshop which is a warehouse not used for any manufacturing process or handicraft, and in which persons are solely employed in polishing, cleaning, wrapping, or packing-up goods.”

Amendment of
41 & 42 Vict.
c. 16. s. 58, as to
shifts.

38. Nothing in the principal Act shall prevent the employment of male young persons to whom section fifty-eight of that Act applies in three shifts of not more than eight hours each, provided that there is an interval of two unemployed shifts between each two shifts of employment.

Power to treat
separate
branches as
separate
factories.

39. The Secretary of State may by order made in accordance with section sixty-five of the principal Act direct, with respect to any class of factories or workshops, that different branches or departments of work carried on in the same factory or workshop shall, for all or any of the purposes of the Factory Acts, be treated as if they were different factories or workshops.

Particulars
respecting wages
to be furnished
in certain cases.

40.—(b)(1.) In every textile factory the occupier shall for the purpose of enabling each worker who is paid by the piece to

(a) For the effect of this section *see* note (b) on 1878 s. 53.

(b) This section is substituted for 1878 s. 24. The most important alterations made by it are that this section applies to all textile factories and may be extended (under subs. (6)) to non-textile factories and workshops, and that it distinguishes between particulars of rate of wages (under subs. (1) paragraphs (a) and (b)) and particulars of work to be done (under subs. (1) paragraph (c)). The automatic indicator (subs. (1) paragraphs (e) and (f)) is also new. So is the prohibition of the use of symbols (subs. (1) paragraph (d)). Disclosure of particulars for the purpose of divulging a trade secret is now prohibited (subs. (3) and (4)), instead of disclosure “with a fraudulent object or for the purpose of gain.”

compute the total amount of wages payable to him in respect of his work, cause to be published particulars of the rate of wages applicable to the work to be done, and also particulars of the work to which that rate is to be applied, as follows:—

- (a.) The particulars of the rate of wages applicable to the work to be done by each weaver in the worsted and woollen, other than the hosiery, trades shall be furnished to him in writing at the time when the work is given out to him, and shall also be exhibited on a placard not containing any other matter, and posted in a position where it is easily legible :
- (b.) The particulars of the rate of wages applicable to the work to be done by each worker, other than such a weaver as aforesaid, shall be furnished to him in writing at the time when the work is given out to him ; provided that if the same particulars are applicable to the work to be done by each of the workers in one room it shall be sufficient to exhibit them in that room on a placard not containing any other matter, and posted in a position where it is easily legible :
- (c.) Such particulars of the work to be done by each worker as affect the amount of wages payable to him shall (except so far as they are ascertainable by an automatic indicator) be furnished to him in writing at the time when the work is given out to him :
- (d.) The particulars either as to rate of wages or as to work shall not be expressed by means of symbols :
- (e.) Where an automatic indicator is used for ascertaining work, such indicator shall have marked upon its case the number of teeth in each wheel and the diameter of the driving roller, except that in the case of spinning machines with traversing carriages the number of spindles and the length of the stretch in such machines shall be so marked in substitution for the diameter of the driving roller :
- (f.) Where such particulars of the work to be done by each worker as affect the amount of wages payable to him are ascertained by an automatic indicator, and a placard containing the particulars as to the rate of wages is exhibited in each room, in pursuance of an agreement between employers and workmen and in conformity with the requirements of this section, the exhibition thereof shall be a sufficient compliance with this section.

(2.) If the occupier fails to comply with the requirements of this section, or fraudulently uses a false indicator for ascertaining the particulars or amount of any work paid for by the piece, or if any workman fraudulently alters an automatic indicator, the occupier or workman, as the case may be, shall be liable for each offence to a fine of not more than ten pounds, and, in case of a second or subsequent conviction within two years from the last conviction for that offence, not less than one pound. Provided that an indicator

shall not be deemed false if it complies with the requirements of this section.

(3.) If anyone engaged as a worker in any factory or workshop, having received such particulars, whether they are furnished directly to him or to a fellow workman, discloses the particulars for the purpose of divulging a trade secret he shall be liable to a fine not exceeding ten pounds.

(4.) If anyone for the purpose of obtaining knowledge of or divulging a trade secret solicits or procures a person so engaged in any factory to disclose such particulars, or with that object pays or rewards any such person, or causes any such person to be paid or rewarded for so disclosing such particulars, he shall be liable to a fine not exceeding ten pounds.

(5.) This section shall take effect instead of section twenty-four of the Act of 1891.

(6.) The Secretary of State, on being satisfied by the report of an inspector that the provisions of this section are applicable to any class of non-textile factories, or to any class of workshops, may, if he thinks fit, by order made in accordance with section sixty-five of the principal Act, apply the provisions of this section to any such class, subject to such modifications as may in his opinion be necessary for adapting those provisions to the circumstances of the case.

Notice of existing workshops.

41.(a) Every person who is in occupation of a workshop at the commencement of this Act shall before the expiration of twelve months from the commencement of this Act, unless he has already done so in pursuance of section twenty-six of the Act of 1891, serve on the inspector for the district a written notice containing the name of the workshop, the place where it is situate, the address to which he desires his letters to be addressed, the nature of the work, and the name of the person or firm under which the business of the workshop is carried on, and in default shall be liable to a fine not exceeding five pounds. Any notice so served shall be forthwith forwarded to the sanitary authority of the district in which the workshop is situate.

Amendment and extension of 54 & 55 Vict. c. 75. s. 27, respecting lists of outworkers,

42.—(1.) Every occupier of a factory or workshop to whom section twenty-seven of the Act of 1891 for the time being applies,(b) and every contractor employed by any such occupier in the business of the factory or workshop, shall, on or before the first day of March and the first day of September in each year, send to the inspector for the district in which the factory or workshop is situate a list showing the names of all persons directly employed by him, either as workmen or as contractors, in the

(a) For the effect of this section, *see* note (b) on 1891 s. 26.

(b) That is, every occupier who is required to keep a list of outworkers. For the factories and workshops in which this is compulsory, *see* note (a) on 1891 s. 27.

business of the factory or workshop outside the factory or workshop, and the places where they are employed, and in default of so doing shall be liable to a fine not exceeding forty shillings.

(2.) Section twenty-seven of the Act of 1891 and this section shall apply to any place from which any work of making wearing apparel for sale is given out, and to the occupier of that place, and to every contractor employed by any such occupier in connexion with the said work, as if that place were a workshop.

43. Failure to enter in the register kept in pursuance of section seventy-seven of the principal Act the prescribed particulars as to lime-washing shall be *prima facie* evidence of failure to observe the requirements of the Factory Acts with respect to lime-washing.

Evidence as to failure to lime-wash.

44.—(1.) In sections sixty-six and seventy-five of the principal Act the words “the inspector for the district” shall be substituted for the words “an inspector” wherever they occur in those sections.

Amendment of 41 & 42 Vict. c. 16. ss. 66, 75, and 54 & 55 Vict. c. 75. s. 29.

(2.) In section twenty-nine of the Act of 1891, the words “the factory inspector for the district within which the offence is charged to have been committed” shall be substituted for the words “a factory inspector.”

45. Section sixty-eight of the principal Act shall have effect as if in the paragraph numbered (2), which empowers an inspector to take with him a constable into a factory, the words “or workshop” were inserted after the word “factory.”

Amendment of 41 & 42 Vict. c. 16. s. 68, as to powers of inspector.

46.—(1.) Every certifying surgeon shall, if so directed by the Secretary of State, make any special inquiry and re-examine any young person or child, and any expense incurred by the Secretary of State under this provision shall be defrayed as other expenses incurred by him in the execution of the Factory Acts.

Special inquiries and re-examinations by certifying surgeons.

(2.) The fees to be paid to certifying surgeons in cases where in pursuance of this section or of special rules under the Factory Acts, they are required to examine the persons employed in a factory or workshop shall be in accordance with the scale set forth in the Second Schedule to this Act, or with such scale as may be substituted therefor by the Secretary of State.

(3.) Such fees shall, where the examination is in pursuance of this section, be paid by the Secretary of State, and where the examination is in pursuance of special rules be paid by the occupier of the factory or workshop.

47. Every order made in accordance with section sixty-five of the principal Act shall be published in such manner as the Secretary of State thinks best adapted for the information of all persons interested.

Publication of orders.

48. Any notice, order, requisition, summons, or document, required or authorised by the Factory Acts to be served on the owner, as defined by this Act, of a factory or workshop, may be

Service of documents on owner.

served by delivering the same or a true copy thereof to the agent of the owner as so defined.

Competency of defendant to give evidence.

49. A person charged with an offence under the Factory Acts may, if he thinks fit, tender himself to be examined on his own behalf, and thereupon he may give evidence in the same manner and with the like effect and consequences as any other witness.

Payment of costs by actual offender in lieu of occupier.

50. Where, in pursuance of section eighty-seven of the principal Act, (a) some person other than the occupier of a factory or workshop is brought before a court of summary jurisdiction, and convicted of an offence with which the occupier was charged, that person shall in the discretion of the court be liable to pay any costs incidental to the proceeding.

Right of inspector to conduct proceedings before magistrates.

51. An inspector, if so authorised in writing under the hand of the Secretary of State, may, although he is not a counsel, or solicitor, or law agent, prosecute, conduct, or defend, before a court of summary jurisdiction or justice, any information, complaint, or other proceeding arising under the Factory Acts, or in the discharge of his duty as such inspector.

Application to Ireland.
41 & 42 Vict.
c. 52.

52. In the application of the Factory Acts to Ireland—
The expression “Public Health (Ireland) Act, 1874,” where it occurs in sub-section eleven of section one hundred and six of the principal Act, and the expression “Public Health Act, 1875,” where it occurs in sections four and seven of the Act of 1891, shall be construed as meaning the Public Health (Ireland) Act, 1878, and the Acts amending the same.

Interpretation.

53. In this Act, unless the context otherwise requires—
(1.) The expression “the Factory Acts” means the Factory and Workshop Acts, 1878 to 1891, and this Act :
The expression “the principal Act” means the Factory and Workshop Act, 1878 :
The expression “the Act of 1891” means the Factory and Workshop Act, 1891 :
The expression “owner” has the meaning given to it by section four of the Public Health Act, 1875.

38 & 39 Vict.
c. 55.

(2.) References to any section of the Factory Acts shall be construed as references to that section as amended by subsequent enactments, including this Act.

Repeal.

54. The Acts mentioned in the Third Schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

Commencement of Act.

55. This Act shall come into operation on the first day of January one thousand eight hundred and ninety-six.

(a) By this section, where the occupier is not himself to blame for an offence, he may bring the actual offender before the court, and in such a case the inspector is required to proceed in the first instance against the actual offender.

56. This Act may be cited as the Factory and Workshop Act, 1895, and shall be construed as one with the Factory and Workshop Acts, 1878 to 1891, and those Acts and this Act may be cited collectively as the Factory and Workshop Acts, 1878 to 1895. Short titles and construction.

SCHEDULES.

Section 25.

FIRST SCHEDULE.

REGULATIONS AS TO GRINDING IN TENEMENT FACTORY.

(1.) Boards to fence the shafting and pulleys, locally known as drum boards shall be provided and kept in proper repair.

(2.) Hand rails shall be fixed over the drums and kept in proper repair.

(3.) Belt guards, locally known as scotchmen, shall be provided and kept in proper repair.

(4.) Every floor, which is constructed after the commencement of this Act, shall be so constructed and maintained as to facilitate the removal of slush, and all necessary shoots, pits, and other conveniences shall be provided for facilitating such removal.

(5.) Every grinding-room or hull, which is established after the commencement of this Act, shall be so constructed that for the purpose of light grinding there shall be a clear space of three feet at least between each pair of troughs and for the purpose of heavy grinding there shall be a clear space of four feet at least between each pair of troughs and six feet at least in front of each trough.

(6.) The sides of all drums in every grinding-room or hull shall be closely fenced.

(7.) Except in pursuance of a special exemption granted by the Secretary of State, no grindstone shall be run before any fire place or in front of another grindstone.

(8.) No grindstone erected after the commencement of this Act shall be run before any door or other entrance.

SECOND SCHEDULE.

Section 46.

SCALE OF FEES TO CERTIFYING SURGEONS.

Under 10 hands	-	-	-	-	2s. 6d. per visit
„ 20	„	-	-	-	3s. „
„ 30	„	-	-	-	3s. 6d. „
„ 50	„	-	-	-	4s. „
„ 75	„	-	-	-	4s. 6d. „
„ 100	„	-	-	-	5s. „
Over 100	„	-	-	-	7s. 6d. „

With the addition of 1s. for every mile or portion of a mile in excess of one mile from the certifying surgeon's residence.

Section 54.

THIRD SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
41 & 42 Vict. c. 16. -	The Factory and Workshop Act, 1878.	Sections thirty-one and forty-two. Part One of the Third Schedule. Part Three of the Third Schedule, from "and also" to "packing-up goods."
54 & 55 Vict. c. 75. -	The Factory and Workshop Act, 1891.	Sub-section one of section twenty-two, and section twenty-four and sub-section five section thirty-three,
57 & 58 Vict. c. 28. -	The Notice of Accidents Act, 1894.	In paragraph (1) of the Schedule the word "gaswork" and the words "harbour, dock, port, pier, quay." Paragraph (2) of the Schedule.



COTTON CLOTH FACTORIES ACT, 1889.

[52 & 53 VICT. CH. 62.]

AN Act to make further provision for the regulation of Cotton Cloth
Factories. [30th August 1889.]

1. This Act may be cited as the Cotton Cloth Factories Act, Short title.
1889.(a)

2. This Act shall come into operation on the first day of March Commencement.
one thousand eight hundred and ninety, which day is in this Act
referred to as the commencement of this Act.

3. This Act shall be construed as one with the Factory and Construction.
Workshop Act, 1878. 41 & 42 Vict.
c. 16.

4. In this Act—

Interpretation.

The expression “cotton cloth factory,” shall mean any room,
shed, or workshop, or any part thereof, in which the weaving of
cotton cloth is carried on.

Expressions referring to the artificial raising of temperature or
production of humidity shall include the raising of temperature
or production of humidity by any artificial means whatsoever
except by gas when used for lighting purposes only.

5.—(1.) The amount of moisture in the atmosphere of a cotton Temperature and
cloth factory shall not at any time be in excess of such amount as humidity of the
is represented by the number of grains of moisture per cubic foot atmosphere.
of air shown in column I. of the table in Schedule A. to this Act
opposite to such figure in column II. as represents the temperature
existing in such cotton cloth factory at such time.

Provided that in a cotton cloth factory the temperature shall not
at any time be artificially raised above seventy degrees, except in
so far as may be necessary in the process of giving humidity to the
atmosphere and according to the table in Schedule A. of this Act.

(2.) The fact that one of the wet bulb thermometers in such
factory gives a higher reading than the figure shown in column III.
of Schedule A. to this Act opposite to such figure in column II.
as represents the temperature existing in such factory, shall be
evidence that the amount of moisture in the atmosphere exceeds
the limit in the last preceding sub-section prescribed.

6. One of Her Majesty's Principal Secretaries of State may from Power to alter
time to time by order repeal or vary the table in Schedule A. of table of
humidity.

(a) This Act now applies to every textile factory in which atmospheric
humidity is artificially produced by steaming or other mechanical appliance,
and which is not subject to Special Rules under 1891 s. 8. For the purpose
of such application the Secretary of State may modify Schedule A. of this
Act (1895, s. 31).

this Act, and substitute any new or amended table therefor: Provided always, that such varied or substituted table shall be laid in a complete form before both Houses of Parliament if Parliament be sitting, or if not, then within three weeks after the beginning of the next ensuing session of Parliament; and if such table shall be disapproved by either House of Parliament within forty days after the same shall have been so laid before Parliament, such table shall be void and of no effect: Provided also, that no such table shall come into force or operation until the same shall have been laid before Parliament for forty days; but after the expiration of such forty days, if the table has not been disapproved of as aforesaid, the Secretary of State shall cause a copy thereof to be published in the "London Gazette," and to be given to every occupier of a cotton cloth factory who, in pursuance of this Act, has given notice of humidity of the atmosphere being artificially produced in such factory, and after the expiration of fourteen days from the first publication thereof in the "London Gazette," the varied or substituted table shall be deemed to be the table in Schedule A. of this Act.

Thermometers
to be employed.

7. For the purpose of recording the humidity of the atmosphere and the temperature in a cotton cloth factory, there shall be provided, maintained, and kept in correct working order in every such factory two sets of standardised wet and dry bulb thermometers.

The following regulations shall be observed with reference to the employment of such thermometers in each cotton cloth factory:

- (i.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.
- (ii.) The occupier or manager or person for the time being in charge of each factory shall read the thermometers twice in the day, viz., between ten o'clock and eleven o'clock in the forenoon and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers in the form and in accordance with the regulations contained in Schedule B. of this Act.
- (iii.) The form in which the readings of each thermometer provided for in sub-section (ii.) of this section are to be recorded shall be kept hung up near the thermometers, and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.
- (iv.) There shall be kept hanging up in a frame, and properly glazed, in a conspicuous position and near to each set of thermometers a copy of the table set out in Schedule A. of this Act.

(v.) Each form shall be *prima facie* evidence of the humidity of the atmosphere and temperature in the factory in which such form was hung up.

8. The occupier of any cotton cloth factory in which humidity of the atmosphere is artificially produced shall give notice thereof in writing to the chief inspector of factories. Notice of artificial production of humidity to be given.

The notice shall be given in the case of a factory in which humidity is so produced at the commencement of this Act within one week after the commencement of this Act, and in the case of any other factory at or before the time at which the artificial production of humidity is commenced in the factory.

9. In every factory in respect of which such notice has been given, arrangements shall be made and maintained to the satisfaction of the inspector of factories for the district for admitting in every hour during which work is carried on not less than six hundred cubic feet of fresh air for each person employed therein; *[and the arrangements for such ventilation shall be kept in operation subject, as far as possible, to the control of the persons employed therein.]*(a) Admission of fresh air.

10. Every factory in respect of which such notice has been given shall be visited by an inspector of factories once at least in every three months. The inspector shall examine into the temperature, humidity of the atmosphere, ventilation, and quantity of fresh air in the factory, and shall report to the chief inspector of factories in accordance with the form printed in Schedule C. of this Act. Inspectors to visit the factories.

11. If at any time the occupier of any factory in respect of which notice has been given in conformity with the eighth section of this Act shall cease to produce humidity by artificial means, he may give notice in writing of such cessation, and from the date of such notice, and so long as humidity is not artificially produced in the factory, the provisions of this Act with respect to factories in which humidity of the atmosphere is artificially produced shall not apply to such factory. Notice of cessation of artificial production of humidity.

[12. Provisions for preventing inhalations of dust—repealed 1895, s. 31, subs. (2).]

13. If in the case of any cotton cloth factory there is a contravention of or non-compliance with any of the provisions of this Act, the inspector shall give notice in writing to the occupier of the same of the acts or omissions constituting the contravention or non-compliance, and if such acts or omissions, or any of them, are continued or not remedied, or are repeated within twelve months after such notice has been given, the occupier of such factory shall be liable, on summary conviction, for the first offence to a penalty Penalties for offences.

(a) These words are now repealed by 1895 s. 31 subs. (2).

(b) The repealed section is superseded by 1891, ss. 8–12, relating to Special Rules and Requirements.

of not less than five pounds nor more than ten pounds, and for every subsequent offence to a penalty of not less than ten pounds nor more than twenty pounds.

SCHEDULES.

SCHEDULE A.

MAXIMUM LIMITS of HUMIDITY of the ATMOSPHERE at given TEMPERATURES.

I. Grains of Moisture per Cubic Foot of Air.	II. Dry Bulb Thermometer Readings. Degrees Fahrenheit.	III. Wet Bulb Thermometer Readings. Degrees Fahrenheit.
5·1	60	58
5·2	61	59
5·4	62	60
5·6	63	61
5·8	64	62
6	65	63
6·2	66	64
6·4	67	65
6·6	68	66
6·9	69	67
7·1	70	68
7·1	71	68·5
7·1	72	69
7·4	73	70
7·4	74	70·5
7·65	75	71·5
7·7	76	72
8	77	73
8	78	73·5
8·25	79	74·5
8·55	80	75·5
8·6	81	76
8·65	82	76·5
8·85	83	77·5
8·9	84	78
9·2	85	79
9·5	86	80
9·55	87	80·5
9·9	88	81·5
10·25	89	82·5
10·3	90	83
10·35	91	83·5
10·7	92	84·5
11	93	85·5
11·1	94	86
11·5	95	87

SCHEDULE B.

FORM for recording the READINGS of the THERMOMETER.

Name of occupier .

Factory No. .

Number of operatives employed in it .

READINGS.						If no Artificial Humidity produced, insert No Steam.
Date.	Between 10 and 11 a.m.		Between 3 and 4 p.m.		Remarks.	
Year. Month. Day.	Dry Bulb Thermo- meter. Degrees Fah.	Wet Bulb Thermo- meter. Degrees Fah.	Dry Bulb Thermo- meter. Degrees Fah.	Wet Bulb Thermo- meter. Degrees Fah.		
1					†	
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
19						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						
31						

† Fill in :—e.g., Too damp.

Correct, &c. Signed

A.B.
Occupier or Manager.

SCHEDULE C.

FORM of the INSPECTOR'S REPORT.

Name of occupier	.
Number of operatives employed	.
Number of rooms or factories used	.
Number of operatives in each room or factory.	With cubic contents of each such room or factory.

The general state of the temperature is (satisfactory.)
(unsatisfactory.)

„ „ humidity „ „

„ „ ventilation „ „

The temperature was in excess of the prescribed maximum temperature on occasions.

The humidity of the atmosphere was in excess of the degree prescribed in the table in Schedule A. of the Cotton Cloth Factories Act, 1889, on occasions.

General remarks.

Date

Signed

Inspector.



SHOP HOURS ACT, 1892.

[55 & 56 VICT. CH. 62.]

AN Act to amend the Law relating to the Employment of Young
Persons in Shops. [28th June 1892.]

1. This Act may be cited as the Shop Hours Act, 1892. Short title.
2. This Act shall come into operation on the first day of September one thousand eight hundred and ninety-two. Commencement of Act.
- 3.—(1.) No young person shall be employed in or about a shop for a longer period than seventy-four hours, including meal times, in any one week. Hours of employment in shops.
- (2.) No young person shall to the knowledge of his employer be employed in or about a shop having been previously on the same day employed in any factory or workshop, as defined by the Factory and Workshop Act, 1878, for the number of hours permitted by the said Act or for a longer period than will together with the time during which he has been so previously employed complete such number of hours. (a) 41 & 42 Vict. c. 16.
4. In every shop in which a young person is employed a notice shall be kept exhibited by the employer in a conspicuous place referring to the provisions of this Act and stating the number of hours in the week during which a young person may lawfully be employed in that shop. (b) Notice of hours to be given.
5. Where any young person is employed in or about a shop contrary to the provisions of this Act, the employer shall be liable to a fine not exceeding one pound for each person so employed. Fine for employing persons contrary to the Act.
6. Where the employer of any young person is charged with an offence against this Act, he shall be entitled upon information duly laid by him to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge; and if, after the commission of the offence has been proved, the said employer proves to the satisfaction of the court that he has used due diligence to enforce the execution of the Act, and that the said other person has committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the occupier shall be exempt from any fine. Power of occupier to exempt himself from fine on conviction of actual offender.

(a) For a further provision relating to employment on the same day in a factory or workshop, and in a shop, see 1895 s. 16 subs. (4).

(b) The penalty for a breach of this section is a fine not exceeding 40s. (Shop Hours Act 1895 s. 1).

Summary
proceedings.

7. All offences under this Act shall be prosecuted, and all fines under this Act shall be recovered, in like manner as offences and fines are prosecuted and recovered under the Factory and Workshop Act, 1878, and sections eighty-eight, eighty-nine, ninety, and ninety-one of the said Act,^(a) and so much of section ninety-two thereof as relates to evidence respecting the age of any person, and the provisions relating to the application of the said Act to Scotland and Ireland, so far as those provisions are applicable, shall have effect as if re-enacted in this Act and in terms made applicable thereto.

Appointment of
inspectors.

8. The council of any county or borough,^(b) and in the city of London the common council, may appoint such inspectors as they may think necessary for the execution of this Act within the areas of their respective jurisdictions,^(c) and sections sixty-eight and seventy of the Factory and Workshop Act, 1878, shall apply in the case of any such inspector as if he were appointed under that Act, and as if the expression workshop as used in those sections included any shop within the meaning of this Act.

The powers conferred by this section may be exercised in Ireland by the council of any municipal borough and by the commissioners of any town or township.

Interpretation.

9. In this Act, unless the context otherwise requires—

“Shop” means retail and wholesale shops, markets, stalls, and warehouses in which assistants are employed for hire, and includes licensed public-houses and refreshment houses of any kind:

“Young person” means a person under the age of eighteen years:

Other words and expressions have the same meanings respectively as in the Factory and Workshop Act, 1878.

41 & 42 Vict.
c. 16.

Exemption of
members of the
same family, and
servants.

10. Nothing in this Act shall apply to a shop where the only persons employed are members of the same family, dwelling in the building of which the shop forms part or to which the shop is attached, or to members of the employer's family so dwelling, or to any person wholly employed as a domestic servant.

(a) These sections relate to legal proceedings.

(b) For the meaning of these words in application to Scotland, *see* 56 & 57 Vict. c. 67 s. 3., (p. 219 below).

(c) For payment of salaries and expenses, *see* 56 & 57 Vict. c. 67. s. 2., (p. 219 below).



SHOP HOURS ACT, 1893.

[56 & 57 VICT. CH. 67.]



AN ACT to amend the Shop Hours Act, 1892.

[21st December 1893.]

1. This Act may be cited as the Shop Hours Act, 1893, and this Act and the Shop Hours Act, 1892, may be cited together as the Shop Hours Acts, 1892 and 1893. Short titles.

2.—(1.) Any salaries payable or other expenses incurred by the council of a county or a borough for the purposes of the Shop Hours Act, 1892, shall be defrayed by the council of a county out of the county fund, and by the council of a borough out of the borough fund or borough rate. Salaries and expenses.

(2.) In Ireland, such salaries and expenses shall be defrayed, if payable or incurred by the council of a municipal borough out of the borough fund or borough rate, and if payable or incurred by the commissioners of a town or township, out of any rate leviable by them as such commissioners throughout the whole of their district.

3. In the application to Scotland of the Shop Hours Act, 1892, and of this Act,— Definitions.

The expression “council of a county or a borough” means the county council of a county and the commissioners of police of burghs in which there are such commissioners, and in burghs in which there are no such commissioners the town council.

The expressions “county fund” shall mean the general purposes rate, and “borough fund or borough rate” shall mean, in burghs in which there are commissioners of police, the police assessment, or in their option the public health assessment; and in burghs in which there are no such commissioners any assessment levied by the town council.



THE TRUCK ACT, 1831.

[1 & 2 Wm. IV. c. 37.]

AN Act to prohibit the Payment, in certain Trades, of Wages in Goods, or otherwise than in the current Coin of the Realm.

[15th October 1831.]

Contracts for the hiring of artificers must be made in the current coin of the realm;

WHEREAS it is necessary to prohibit the payment, in certain trades, of wages in goods, or otherwise than in the current coin of the realm; be it therefore enacted that in all contracts hereafter to be made for the hiring of any artificer [*in any of the trades herein-after enumerated*], (a) or for the performance by any artificer of any labour [*in any of the said trades*], the wages of such artificer shall be made payable in the current coin of this realm only, and not otherwise; and that if in any such contract the whole or any part of such wages shall be made payable in any manner other than in the current coin aforesaid, such contract shall be and is hereby declared illegal, (b) null, and void.

and must not contain any stipulations as to the manner in which the wages shall be expended.

2. If in any contract hereafter to be made between any artificer [*in any of the trades herein-after enumerated*], and his employer, any provision shall be made directly or indirectly respecting the place where, or the manner in which, or the person or persons with whom, the whole or any part of the wages due or to become due to any such artificer shall be laid out or expended, such contract shall be and is hereby declared illegal, null, and void. (c)

All wages must be paid to the workman in coin.

3. The entire amount of the wages earned by or payable to any artificer [*in any of the trades herein-after enumerated*], in respect of

(a) These words are now repealed (54 & 55 Viet. c. 67). The limitation of the operation of the Act to persons employed in the trades and occupations specified in s. 19 is now abolished, and the Act applies to all workmen as defined in s. 10 of the Employers and Workmen Act, 1875 (see s. 2 of the Truck Act, 1887 and note (a) thereon).

(b) For the penalty for entering into a contract declared by s. 1 or s. 2 to be illegal, see s. 9 of this Act.

(c) In the case of *Hewlett v. Allen*, 1894 A.C. 383, it was decided in the Court of Appeal that a contract by which the person employed undertook to be a member of a sick and accident club, to which weekly payments were made, with no express stipulation that the payments should be made out of wages, was a contract prohibited by this section (see 1892 2 Q.B. 662). This view was doubted in the House of Lords, on the ground that such payments were not of the kind contemplated by this section, and also on the ground that it was not expressly agreed that the payments should come out of wages. What the House of Lords actually decided was that, if the payments are actually made with the consent of the person employed, they cannot be recovered back. (Cf. *ex parte Cooper*, 26 Ch. D. 693).

any labour by him done [*in any such trade*], shall be actually paid to such artificer^(a) in the current coin of this realm, and not otherwise; and every payment made to any such artificer by his employer, of or in respect of any such wages, by the delivering to him of goods, or otherwise than in the current coin aforesaid, except as herein-after mentioned, shall be and is hereby declared illegal,^(b) null, and void.^(c)

Payment in goods declared illegal.

4. Every artificer [*in any of the trades herein-after enumerated*] shall be entitled to recover from his employer [*in any such trade*], in the manner by law provided for the recovery of servants wages, or by any other lawful ways and means, the whole or so much of the wages earned by such artificer in such trade as shall not have been actually paid to him by such his employer in the current coin of this realm.

Artificers may recover wages, if not paid in the current coin.

5.^(d) In any action, suit, or other proceeding to be hereafter brought or commenced by any such artificer as aforesaid, against his employer, for the recovery of any sum of money due to any such

In an action brought for wages no set-off shall be allowed for goods

(a) Money paid by the direction of the person employed is money paid to him within the meaning of this section (*Hewlett v. Allen*, 1894 A.C. 382).

(b) For the penalty for making a payment declared by this section to be illegal, see s. 9 of this Act.

(c) The following modes of payment by means of goods have been held to be prohibited by this section: giving a note for goods (*Athersmith v. Drury*, 28 L.J. M.C. 5); supplying goods, for which a corresponding amount is deducted from the wages at the next settling day (*Wilson v. Cookson, Fisher v. Jones*, 13 C.B.N.S. 496; 32 L.J. M.C. 177); supplying goods, advancing money for payment, and afterwards deducting from wages the amount advanced (*Gould v. Haynes*, 59 L.J. M.C. 9; 61 L.T. 732); delivery to the workman of goods damaged by him, in place of wages equal to the value of the goods when undamaged (*Smith v. Walton*, 3 C.P.D. 109). The subsequent payment of the wages in cash is no answer to a charge of illegal payment under this section (*Fisher v. Jones*, above). It is not illegal under this section, or under any provision in the Truck Acts, to make deductions, as such, from the wages due. Thus deductions have been held to be not illegal under this Act in respect of fixed charges for standing room, winding room, use of machines, and the like matters (*Chawner v. Cummings*, 8 Q.B. 311; 15 L.J. Q.B. 161; 10 Jur. 454). In *Archer v. James* (2 B. and S. 61; 31 L.J. Q.B. 153; 8 Jur. N.S. 166; 6 L.T. 167; 10 W.R. 489) the court was equally divided on this point, and the decision in *Chawner v. Cummings* was upheld. *Archer v. James* also applied the same principle to fixed fines for the non-use of machines. In *Redgrave v. Kelly* (37 W.R. 543) it was decided that the deduction from wages of fines for spoilt work and for impudence is not illegal. But where goods or some benefit or advantage are supplied to a workman in place of wages, this is a payment otherwise than by wages, and consequently deductions from wages on this ground are illegal, unless authorised by s. 23 or s. 24 of this Act (*Pillar v. Llynvi Coal Co.*, L.R. 4 C.P. 752; *Ex parte Cooper*, 26 Ch. D. 693). In such cases it is the improper payment, rather than the mere deduction, that is unlawful; and this qualification must probably be applied to the *dictum* in *Lamb v. The Great Northern Railway Co.*, 1891 2 Q.B. 281; 60 L.J. Q.B. 489; 65 L.T. 225; 39 W.R. 475; 56 J.P. 22, that all drawbacks are illegal.

(d) The combined effect of ss. 5 and 6 is extended by s. 5 of the Truck Act 1887.

supplied by the employer, or by any shop in which the employer is interested.

artificer as the wages of his labour [*in any of the trades herein-after enumerated*], the defendant shall not be allowed to make any set-off, nor to claim any reduction of the plaintiff's demand, by reason or in respect of any goods, wares, or merchandise had or received by the plaintiff as or on account of his wages or in reward for his labour, or by reason or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

No employer shall have any action against his artificer for goods supplied to him on account of wages.

6. No employer of any artificer [*in any of the trades herein-after enumerated*] shall have or be entitled to maintain any suit or action in any court of law or equity against any such artificer, for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to any such artificer by any such employer, whilst in his employment, as or on account of his wages or reward for his labour, or for or in respect of any goods, wares, or merchandise sold, delivered, or supplied to such artificer at any shop or warehouse kept by or belonging to such employer, or in the profits of which such employer shall have any share or interest.

If the artificer or his wife or children become chargeable to the parish the overseers may recover any wages earned within the three preceding months, and not paid in cash.

7. If any such artificer as aforesaid, or his wife or widow, or if any child of any such artificer, not being of the full age of twenty-one years, shall become chargeable to any parish or place, and if within the space of three calendar months next before the time when any such charge shall be incurred such artificer shall have earned or have become entitled to receive any wages for any labour by him done [*in any of the said trades*], which wages shall not have been paid to such artificer in the current coin of this realm, it shall be lawful for the overseers or overseer of the poor^(a) in such parish or place to recover from the employer of such artificer in whose service such labour was done the full amount of wages so unpaid, and to proceed for the recovery thereof by all such ways and means as such artificer himself might have proceeded for that purpose; and the amount of the wages which may be so recovered shall be applied in re-imbursing such parish or place all costs and charges incurred in respect of the person or persons to become chargeable, and the surplus shall be applied and paid over to such person or persons.

Not to invalidate the payment of wages in bank notes if artificer consents.

8. Nothing herein contained shall be construed to prevent or to render invalid any contract for the payment, or any actual payment, to any such artificer as aforesaid, of the whole or any part of his wages, either in the notes of the governor and company of the Bank of England, or in the notes of any person or persons carrying on the business of a banker, and duly licensed to issue such notes

(a) The overseers' powers under this section are now conferred on the guardians in England, and the inspectors of the poor in Scotland (Truck Act, 1887, s. 16).

in pursuance of the laws relating to His Majesty's revenue of stamps, or in drafts or orders for the payment of money to the bearer on demand, drawn upon any person or persons carrying on the business of a banker, being duly licensed as aforesaid, within fifteen miles of the place where such drafts or orders shall be so paid, if such artificer shall be freely consenting to receive such drafts or orders as aforesaid, but all payments so made with such consent as aforesaid, in any such notes, drafts, or orders as aforesaid, shall for the purposes of this Act be as valid and effectual as if such payments had been made in the current coin of the realm.

9. Any employer of any artificer [*in any of the trades herein-after enumerated*], who shall, by himself or by the agency of any other person or persons, directly or indirectly enter into any contract or make any payment hereby declared illegal, (a) shall for the first offence forfeit a sum not exceeding ten pounds [*nor less than five pounds*], (b) and for the second offence any sum not exceeding twenty pounds nor less than ten pounds, and in case of a third offence any such employer shall be and be deemed guilty of a misdemeanor, and being thereof convicted, shall be punished by fine only, at the discretion of the court, so that the fines shall not in any case exceed the sum of one hundred pounds.

Penalties on employers entering into contracts hereby declared illegal.

10.(c) Provided always, that no person shall be punished as for a second offence under this Act unless ten days at the least shall have intervened between the conviction of such person for the first and the conviction by such person of the second offence, but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a first offence; and that no person shall be punished as for a third offence under this Act, unless ten days at the least shall have intervened between the conviction of such person for the second and the conviction by such person of the third offence; but each separate offence committed by any such person before the expiration of the said term of ten days shall be punishable by a separate penalty, as though the same were a second offence; and that the fourth or any subsequent offence which may be committed by any such person against this Act shall be inquired of, tried, and punished in the manner hereinbefore provided in respect of any third offence; and that if the person or persons preferring any such information shall not be able or shall not see fit to produce evidence of any such previous

Proviso.

(a) For illegal contracts, see ss. 1 and 2 above, and for illegal payments, see s. 3 above.

(b) These words, providing for a minimum fine for the first offence, are now repealed (47 & 48 Vict. c. 43.).

(c) The first part of this section, relating to Recovery of Penalties, which is omitted above, is now repealed (Truck Act 1887 schedule), and s. 13 of the Truck Act 1887 is substituted. The Acts are now enforced by Factory Inspectors and Inspectors of Mines (Truck Act 1887 s. 13).

conviction or convictions as aforesaid, (a) any such offender as aforesaid shall be punished for each separate offence by him committed against the provisions of this Act by an equal number of distinct and separate penalties, as though each of such offences were a first or a second offence, as the case may be; and that no person shall be proceeded against or punished as for a second or as for a third offence at the distance of more than two years from the commission of the next preceding offence.

[11 and 12, relating to procedure, are repealed by the schedule of 50 & 51 Vict. c. 46.]

A partner not to be liable in person for the offence of his copartner, but the partnership property to be so liable.

13. No person shall be liable to be convicted of any offence against this Act committed by his or her copartner in trade, and without his or her knowledge, privity, or consent; but it shall be lawful, when any penalty, or any sum for wages, or any other sum, is ordered to be paid, under the authority of this Act, and the person or persons ordered to pay the same shall neglect or refuse to do so, to levy the same by distress and sale of any goods belonging to any copartnership concern or business in the carrying on of which such charges may have become due or such offence may have been committed; and in all proceedings under this Act to recover any sum due for wages it shall be lawful in all cases of copartnership for the justices, at the hearing of any complaint for the nonpayment thereof, to make an order upon any one or more copartners for the payment of the sum appearing to be due; and in such case the service of a copy of any summons or other process, or of any order, upon one or more of such copartners, shall be deemed to be a sufficient service upon all.

How summonses are to be served.

14. In all cases it shall be deemed and taken to be sufficient service of any summons to be issued against any offender or offenders by any justice or justices of the peace, under the authority of this Act, if a duplicate or true copy of the same be left at or upon the place used or occupied by such offender or offenders for carrying on his, her, or their trade or business, or at the place of residence of any such offender or offenders, being at or upon any such place as aforesaid, the same being directed to such offender or offenders by his, her, or their right or assumed name or names.

[15 and 16, relating to procedure, are repealed by the schedule 50 & 51 Vict. c. 46.]

Convictions not to be quashed for want of form.

17. No conviction, order, or adjudication made by any justices of the peace under the provisions of this Act shall be quashed for want of form, nor be removed by certiorari or otherwise into any of His Majesty's superior courts of record; [and no warrant of distress, or of commitments in default of sufficient distress, shall

(a) The evidence referred to is that required in the repealed part of this section, namely, a certificate of the conviction signed by the officer having the custody of the record of the conviction.

be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.](a)

[18. *Application of Penalties, repealed by 50 & 51 Vict. c. 46. schedule.*]

[19. *Nothing herein contained shall extend to any artificer, workman, or labourer, or other person engaged or employed in any manufacture, trade, or occupation, excepting only artificers, workmen, labourers, and other persons employed in the several manufactures, trades, and occupations following; (that is to say,) in or about the making, casting, converting, or manufacturing of iron or steel, or any parts, branches, or processes thereof; or in or about the working or getting of any mines of coal, ironstone, limestone, salt rock; or in or about the working or getting of stone, slate, or clay; or in the making or preparing of salt, bricks, tiles, or quarries; or in or about the making or manufacturing of any kinds of nails, chains, rivets, anvils, vices, spades, shovels, screws, keys, locks, bolts, hinges, or any other articles or hardwares made of iron or steel, or of iron and steel combined, or of any plated articles of cutlery, or of any goods or wares made of brass, tin, lead, pewter, or other metal, or of any japanned goods or wares whatsoever; or in or about the making, spinning, throwing, twisting, doubling, winding, weaving, combing, knitting, bleaching, dyeing, printing, or otherwise preparing of any kinds of woollen, worsted, yarn, stuff, Jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk manufactures whatsoever, or in or about any manufactures whatsoever made of the said last-mentioned materials, whether the same be or be not mixed one with another; or in or about the making or otherwise preparing, ornamenting, or finishing of any glass, porcelain, china, or earthenware whatsoever, or any parts, branches, or processes thereof, or any materials used in any of such last-mentioned trades or employments; or in or about the making or preparing of bone, thread, silk, or cotton lace, or of lace made of any mixed materials.](b)*

Specification of the trades to which the Act is to apply.

20. Nothing herein contained shall extend to any domestic Domestic. servant [or servant in husbandry].(c)

[21 and 22, relating to *Disqualification of Justices*, are repealed by 50 & 51 Vict. c. 46. schedule.](d)

(a) These words are repealed, except as to Ireland, by 54 & 55 Vict. c. 67. See now 42 & 43 Vict. c. 49. s. 39. subs. (4).

(b) This section is now repealed (Truck Act 1887 schedule). For the present operation of these Acts, see s. 2 of the Truck Act 1887.

(c) These words are repealed by the schedule of the Truck Act 1887. For special provisions affecting servants in husbandry, see s. 4 of the Truck Act 1887.

(d) For the present disqualification to act as justice under these Acts, see s. 15 of the Truck Act 1887.

Particular exceptions to the generality of the law.

23. Nothing herein contained shall extend or be construed to extend to prevent any employer of any artificer, or agent of any such employer, from supplying or contracting to supply^(a) to any such artificer any medicine or medical attendance, or any fuel, or any materials, tools, or implements to be by such artificer employed in his trade or occupation, if such artificers be employed in mining, or any hay, corn, or other provender to be consumed by any horse or other beast of burden employed by any such artificer in his trade and occupation; nor from demising to any artificer [*workman, or labourer employed in any of the trades or occupations enumerated in this Act*] the whole or any part of any tenement at any rent to be thereon reserved; nor from supplying or contracting to supply to any such artificer any victuals dressed or prepared under the roof of any such employer, and there consumed by such artificer; nor from making or contracting to make any stoppage or deduction from the wages of any such artificer, for or in respect of any such rent; or for or in respect of any such medicine or medical attendance; or for or in respect of such fuel, materials, tools, implements, hay, corn, or provender, or of any such victuals dressed and prepared under the roof of any such employer; or for or in respect of any money advanced to such artificer for any such purpose as aforesaid: Provided always, that such stoppage or deduction shall not exceed the real and true value of such fuel, materials, tools, implements, hay, corn, and provender, and shall not be in any case made from the wages of such artificer, unless the agreement or contract for such stoppage or deduction shall be in writing, and signed by such artificer.^(b)

Employers may advance money to artificers for certain purposes.

24. Nothing herein contained shall extend or be construed to extend to prevent any such employer from advancing to any such artificer any money to be by him contributed to any friendly society or bank for savings duly established according to law, nor from advancing to any such artificer any money for his relief in sickness, or for the education of any child or children of such artificer, nor from deducting or contracting to deduct any sum or sums of money from the wages of such artificers for the education of any such child or children of such artificer [*and unless the agreement or contract for such deduction shall be in writing, and signed by such artificer*].^(c)

Definition of terms.

25. In the meaning and for the purposes of this Act [*all workmen, labourers, and other persons in any manner engaged in the*

(a) "Supply" refers to a sale out and out, and not to a mere hiring of tools, &c. (*Cutts v. Ward*, L.R. 2 Q.B. 357 : 8 B. & S. 277 : 36 L.J. Q.B. 161).

(b) The contract need not specify the amount to be deducted in respect of each thing supplied (*Cutts v. Ward*, above). A deduction under this section where there is no agreement in writing is illegal (*Pillar v. The Llynvi Coal and Iron Co.*, L.R. 4 C.P. 752 : 38 L.J. C.P. 294).

(c) These words, the meaning of which was not very clear, are now repealed (Truck Act 1887 schedule).

performance of any work, employment, or operation, of what nature soever, in or about the several trades and occupations aforesaid, shall be and be deemed “artificers:” and that within the meaning and for the purposes aforesaid],(a) all masters, bailiffs, foremen, managers, clerks, and other persons engaged in the hiring, employment, or superintendence of the labour of any such artificers, shall be and be deemed to be “employers;” and that within the meaning and for the purposes of this Act, any money or other thing had or contracted to be paid, delivered, or given as a recompence, reward, or remuneration for any labour done or to be done, whether within a certain time or to a certain amount, or for a time or an amount uncertain, shall be deemed and taken to be the “wages” of such labour; and that within the meaning and for the purposes aforesaid, any agreement, understanding, device, contrivance, collusion, or arrangement whatsoever on the subject of wages, whether written or oral, whether direct or indirect, to which the employer and artificer are parties or are assenting, or by which they are mutually bound to each other, or whereby either of them shall have endeavoured to impose an obligation on the other of them, shall be and be deemed a “contract.”

26. This Act shall not commence or take effect till the expiration of three calendar months next after the day of passing the same. Commencement of Act.

27. The provisions of this Act shall extend over the whole of that part of the United Kingdom of Great Britain and Ireland called Great Britain.(b) To extend over Great Britain.

(a) These words are now repealed (Truck Act 1887 schedule). For the meaning of “artificer” in these Acts, see Truck Act 1887 s. 2.

(b) This Act and the Truck Act 1887 now apply to Ireland also.



THE TRUCK ACT, 1887.

[50 & 51 VICT. CH. 46.]



AN Act to amend and extend the Law relating to Truck.

[16th September 1887.]

Short title.

1. This Act may be cited as the Truck Amendment Act, 1887. The Act of the session of the first and second years of the reign of King William the Fourth, chapter thirty-seven, intituled “An Act “to prohibit the payment in certain trades of wages in goods or “otherwise than in the current coin of the realm” (in this Act referred to as the principal Act), may be cited at the Truck Act, 1831, and that Act and this Act may be cited together as the Truck Acts, 1831 and 1887, and shall be construed together as one Act.

1 & 2 Will. 4.
c. 37.

Application of
principal Act to
workman as
defined by
38 & 39 Vict.
c. 90.

2. The provisions of the principal Act shall extend to, apply to, and include any workman as defined in the Employers and Workmen Act, 1875, section 10, (a) and the expression “artificer” in the principal Act shall be construed to include every workman to whom the principal Act is extended and applied by this Act, and all provisions and enactments in the principal Act inconsistent herewith are hereby repealed.

Advance of
wages.

3. Whenever by agreement, custom, or otherwise a workman is entitled to receive in anticipation of the regular period of the payment of his wages an advance as part or on account thereof, it shall not be lawful for the employer to withhold such advance or make any deduction in respect of such advance on account of poundage, discount, or interest, or any similar charge.

Saving for
servant in
husbandry.

4. Nothing in the principal Act or this Act shall render illegal a contract with a servant in husbandry for giving him food,

(a) The definition referred to is as follows :—“The expression ‘workman’ “does not include a domestic or menial servant, but, save as aforesaid, means “any person who, being a labourer, servant in husbandry, journeyman, “artificer, handicraftsman, miner, or otherwise engaged in manual labour, “whether under the age of 21 years or above that age, has entered into or “works under a contract with an employer, whether the contract be made “before or after the passing of this Act, be express or implied, oral or in “writing, and be a contract of service or a contract personally to execute any “work or labour” (38 & 39 Vict. c. 90. s. 10). The cases decided under the Act of 1831 with regard to the meaning of “artificer” may still be useful. The question was frequently raised whether the Act covered “butty-men” or similar contractors, who were employed to do work on the understanding that they were to employ others. It was held that the Act did not apply to such contractors unless they undertook to give their own personal services as workmen, not, that is, if they were mere contractors employing others. See *Ingram v. Barnes*, 7 E. & B. 115, 132 : 26 L.J. Q.B. 82, 319 : *Sleeman v. Barrett*, 2 H. & C. 934 : 33 L.J. Ex. 153 ; and cases there referred to.

drink, not being intoxicating, a cottage, or other allowances or privileges in addition to money wages as a remuneration for his services.

5.(a) In any action brought by a workman for the recovery of his wages, the employer shall not be entitled to any set off or counterclaim in respect of any goods supplied to the workman by any person under any order or direction of the employer, or any agent of the employer, and the employer of a workman or any agent of the employer, or any person supplying goods to the workman under any order or direction of such employer or agent, shall not be entitled to sue the workman for or in respect of any goods supplied by such employer or agent, or under such order or direction, as the case may be.

Order for goods as a deduction from wages illegal.

Provided that nothing in this section shall apply to anything excepted by section twenty-three of the principal Act.

6.(b) No employer shall, directly or indirectly, by himself or his agent, impose as a condition, express or implied, in or for the employment of any workman any terms as to the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid to the workman are or is to be expended, and no employer shall by himself or his agent dismiss any workman from his employment for or on account of the place at which, or the manner in which, or the person with whom, any wages or portion of wages paid by the employer to such workman are or is expended or fail to be expended.

No contracts with workman as to spending wages at any particular shop, &c.

7. Where any deduction is made by an employer from a workman's wages for education, such workman on sending his child to any state-inspected school selected by the workman shall be entitled to have the school fees of his child at that school paid by the employer at the same rate and to the same extent as the other workmen from whose wages the like deduction is made by such employer.

Deduction for education.

In this section "state-inspected school" means any elementary school inspected under the direction of the Education Department in England or Scotland or of the Board of National Education in Ireland.

8. No deduction shall be made from a workman's wages for sharpening or repairing tools, except by agreement not forming part of the condition of hiring.

Deduction for sharpening tools &c.

(a) This section extends the provisions of ss. 5 and 6 of the Truck Act 1831.

(b) This section is controlled by s. 23 of the Truck Act 1831, so that an agreement in writing for deducting from wages a subscription to a sick and funeral allowance fund is not illegal, and the amount of the deduction cannot be recovered (*Lamb v. The Great Northern Railway Co.*, 1891 2 Q.B. 281 : 60 L.J. Q.B. 489 : 65 L.T. 225 : 39 W.R. 475 : 56 J.P. 22).

Audit of deductions.

9. Where deductions are made from the wages of any workmen for the education of children or in respect of medicine, medical attendance, or tools, once at least in every year the employer shall, by himself or his agent, make out a correct account of the receipts and expenditure in respect of such deductions, and submit the same to be audited by two auditors appointed by the said workmen, and shall produce to the auditors all such books, vouchers, and documents, and afford them all such other facilities as are required for such audit.

Artificer to be paid in cash and not by way of barter for articles made by him.

10. Where articles are made by a person at his own home, or otherwise, without the employment of any person under him except a member of his own family, the principal Act and this Act shall apply as if he were a workman, and the shopkeeper, dealer, trader or other person buying the articles in the way of trade were his employer, and the provisions of this Act with respect to the payment of wages shall apply as if the price of an article were wages earned during the seven days next preceding the date at which any article is received from the workman by the employer.

This section shall apply only to articles under the value of five pounds knitted or otherwise manufactured of wool, worsted, yarn, stuff, jersey, linen, fustian, cloth, serge, cotton, leather, fur, hemp, flax, mohair, or silk, or of any combination thereof, or made or prepared of bone, thread, silk, or cotton lace, or of lace made of any mixed materials. Where it is made to appear to Her Majesty the Queen in Council that, in the interests of persons making articles to which this section applies in any county or place in the United Kingdom, it is expedient so to do, it shall be lawful for Her Majesty, by Order in Council, to suspend the operation of this section in such county or place, and the same shall accordingly be suspended, either wholly or in part, and either with or without any limitations or exceptions, according as is provided by the Order.

Offences.

11. If any employer or his agent contravenes or fails to comply with any of the foregoing provisions of this Act, such employer or agent, as the case may be, shall be guilty of an offence against the principal Act, and shall be liable to the penalties imposed by section nine of that Act as if the offence were such an offence as in that section mentioned.

Fine on person committing offence for which employer is liable, and power of employer to exempt himself from penalty on conviction of actual offender.

12.—(1.) Where an offence for which an employer is, by virtue of the principal Act or this Act, liable to a penalty has in fact been committed by some agent of the employer or other person, such agent or other person shall be liable to the same penalty as if he were the employer.

(2.) Where an employer is charged with an offence against the principal Act or this Act he shall be entitled, upon information duly laid by him, to have any other person whom he charges as the actual offender brought before the court at the time appointed for hearing the charge, and if, after the commission of the offence has

been proved the employer proves to the satisfaction of the court that he had used due diligence to enforce the execution of the said Acts, and that the said other person had committed the offence in question without his knowledge, consent, or connivance, the said other person shall be summarily convicted of such offence, and the employer shall be exempt from any penalty.^(a)

When it is made to appear to the satisfaction of an inspector of factories or mines, or in Scotland a procurator fiscal, at the time of discovering the offence, that the employer has used due diligence to enforce the execution of the said Acts, and also by what person such offence had been committed, and also that it had been committed without the knowledge, consent, or connivance of the employer, then the inspector or procurator fiscal shall proceed against the person whom he believes to be the actual offender in the first instance without first proceeding against the employer.

13.—(1.) Any offence against the principal Act or this Act may be prosecuted, and any penalty therefore recovered in manner provided by the Summary Jurisdiction Acts, so, however, that no penalty shall be imposed on summary conviction exceeding that prescribed by the principal Act for a second offence. Recovery of penalties.

(2.) It shall be the duty of the inspectors of factories and the inspectors of mines to enforce the provisions of the principal Act and this Act within their districts so far as respects factories, workshops, and mines inspected by them respectively, and such inspectors shall for this purpose have the same powers and authorities as they respectively have for the purpose of enforcing the provisions of any Acts relating to factories, workshops, or mines, and all expenses incurred by them under this section shall be defrayed out of moneys provided by Parliament.

(3.) In England all penalties recovered under the principal Act and this Act shall be paid into the receipt of Her Majesty's Exchequer, and be carried to the Consolidated Fund.

(4.) In Scotland—

(a.) The procurators fiscal of the sheriff court shall, as part of their official duty, investigate and prosecute offences against the principal Act or this Act, and such prosecution may also be instituted in the sheriff court at the instance of any inspector of factories or inspector of mines;

(b.) All offences against the said Acts shall be prosecuted in the sheriff court.

14. In this Act, unless the context otherwise requires,—

The expression “ Summary Jurisdiction Acts ” means, as respects England, the Summary Jurisdiction Acts as defined by the Summary Jurisdiction Act, 1879; and, as respects Scotland,

Definitions.

(a) Compare s. 87 of the Factory Act 1878.

means the Summary Jurisdiction (Scotland) Acts, 1864 and 1881, and any Acts amending the same :

Other expressions have the same meaning as in the principal Act.

Disqualification
of justice.

15. So much of the principal Act as disqualifies any justice from acting as such under the principal Act is hereby repealed.

A person engaged in the same trade or occupation as an employer charged with an offence against the principal Act or this Act shall not act as a justice of the peace in hearing and determining such charge.

Amendment of
1 & 2 Will. 4.
c. 37. as to
overseers.

16. The provisions of the principal Act conferring powers on any overseers or overseer of the poor^(a) shall be deemed to confer those powers in the case of England on the guardians of a union, and in the case of Scotland on the inspectors of the poor.

repeal.

17. The Acts mentioned in the schedule to this Act are hereby repealed to the extent in the third column of the said schedule mentioned, without prejudice to anything heretofore done or suffered in respect thereof.

Ap plication of
Acts to Ireland.

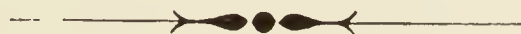
18. The principal Act, so far as it is not hereby repealed, and this Act shall extend to Ireland, subject to the following provisions :

- (1.) Any offence against the principal Act or this Act may be prosecuted and any penalty therefor may be recovered in the manner provided by the Summary Jurisdiction (Ireland) Acts (that is to say,) within the Dublin Metropolitan Police District the Acts regulating the powers and duties of justices of the peace and of the police of that district, and elsewhere in Ireland the Petty Sessions (Ireland) Act, 1851, and the Acts amending the same ;
- (2.) Penalties recovered under the principal Act or this Act shall be applied in the manner directed by the Fines (Ireland) Act, 1851, and the Acts amending the same.

(a) This refers to the power of the overseers, if a workman becomes chargeable to the parish, to sue for wages earned by him within 3 months and not paid in current coin (Truck Act 1831 s. 7).

SCHEDULE.

Session and Chapter.	Title of Act.	Extent of Repeal.
12 Geo. 1. c. 34.	- An Act to prevent unlawful combinations of workmen employed in the woollen manufactures, and for better payment of their wages.	Section three, and so much of section eight as applies section three.
22 Geo. 2. c. 27.	- An Act, the title of which begins with "An Act for the more effectual preventing of frauds," and ends with the words "and for the better payment of their wages."	So much of section twelve as applies to any enactment repealed by this Act.
30 Geo. 2. c. 12.	- An Act, the title of which begins with the words "An Act to amend an Act," and ends with the words "payment of the workmen's wages in any other manner than in money."	Sections two and three.
57 Geo. 3. c. 115.	- An Act, the title of which begins with the words "An Act to extend the provisions of an Act," and ends with the words "articles of cutlery."	The whole Act.
57 Geo. 3. c. 122.	- An Act, the title of which begins with the words "An Act to extend the provisions," and ends with the words "extending the provisions of the said Acts to Scotland and Ireland."	The whole Act.
1 & 2 Will. 4. c. 37.	- An Act to prohibit the payment in certain trades of wages in goods or otherwise than in the current coin of the realm.	Section ten, down to "be produced to the court and jury" inclusive; section eleven, section twelve, section fifteen, section sixteen, section eighteen, section nineteen, in section twenty the words "or servant in husbandry"; section twenty-one, section twenty-two, section twenty-four from "and unless the agreement" inclusive to end of section, and section twenty-five from "all workmen" to "purposes aforesaid" both inclusive, and the schedules.



PUBLIC HEALTH ACT, 1875.

[38 & 39 VICT. CH. 55.]

Privy accommodation for factories.

38. Where it appears to any local authority by the report of their surveyor that any house is used or intended to be used as a factory or building in which persons of both sexes are employed or intended to be employed at one time in any manufacture, trade, or business, the local authority may, if they think fit, by written notice require the owner or occupier of such house, within the time therein specified, to construct a sufficient number of waterclosets, earth closets, or privies and ashpits for the separate use of each sex. (a)

Any person who neglects or refuses to comply with any such notice shall be liable for each default to a penalty not exceeding twenty pounds, and to a further penalty not exceeding forty shillings for every day during which the default is continued.

Definition of nuisances.

91. For the purposes of this Act—

- (1.) Any premises in such a state as to be a nuisance or injurious to health :
- (2.) Any pool, ditch, gutter, watercourse, privy, urinal, cesspool, drain, or ashpit so foul or in such a state as to be a nuisance or injurious to health :
- (6.) Any factory, workshop, or work place [*(not already under the operation of any general Act for the regulation of factories or bake-houses)*], (b) not kept in a cleanly state, or not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious to health, or so overcrowded while work is carried on as to be dangerous or injurious to the health of those employed therein : (c)

shall be deemed to be nuisances liable to be dealt with summarily in manner provided by this Act.

(a) For a wider provision to a similar effect, see 1895 s. 35.

(b) These words are repealed (1878 sched. 6), and this Act is prevented from overlapping the Factory Acts, with regard to the sanitary condition of factories, by 1878 s. 101.

(c) This paragraph is supplemented by 1891 s. 4, subs. (1) of which requires workshops and work places within this Act to be kept free from effluvia, and subs. (2) of which deals with the limewashing of such places.

PUBLIC HEALTH (LONDON) ACT, 1891.
[54 & 55 VICT. CH. 76.]

2.—(1.) For the purposes of this Act,—

What nuisances
may be abated
summarily.

(a.) Any premises in such a state as to be a nuisance or dangerous or injurious to health ;

(b.) Any pool, ditch, gutter, watercourse, cistern, watercloset, earth closet, privy, urinal, cesspool, drain, dungpit, or ashpit so foul or in such a state as to be a nuisance or injurious or dangerous to health ;

(g.) Any factory, workshop, or workplace which is not a factory subject to the provisions of the Factory and Workshop Act, 1878, relating to cleanliness, ventilation, and overcrowding, and

(i.) is not kept in a cleanly state, and free from effluvia arising from any drain, privy, earth closet, watercloset, urinal, or other nuisance, or

(ii.) is not ventilated in such a manner as to render harmless as far as practicable any gases, vapours, dust, or other impurities generated in the course of the work carried on therein that are a nuisance or injurious or dangerous to health, or

(iii.) is so overcrowded while work is carried on as to be injurious or dangerous to the health of those employed therein, shall be nuisances liable to be dealt with summarily under this Act.

(2.) Provided that—

(ii.) In considering whether any dwelling-house or part of a dwelling-house which is used also as a factory, workshop, or workplace, or whether any factory, workshop, or workplace used also as a dwelling-house, is a nuisance by reason of overcrowding, the court shall have regard to the circumstances of such other user.

25.—(1.) Where, on the certificate of a medical officer of health or sanitary inspector, it appears to any sanitary authority that the limewashing, cleansing, or purifying of any workshop (other than a bakehouse), or of any part thereof, is necessary for the health of the persons employed therein, the sanitary authority shall serve notice in writing on the owner or occupier of the workshop to limewash, cleanse, or purify the workshop or part as the case requires, within the time specified in the notice ; and, if the person on whom the notice is so served fails to comply therewith, he shall be liable to a fine not exceeding five pounds, and to a further fine not exceeding ten shillings for every day during which he continues to make default after conviction ; and the sanitary authority may, if they think fit, cause the workshop or

Limewashing
and washing of
workshops.

part to be limewashed, cleansed, or purified, and may recover in a summary manner the expenses incurred by them in so doing from the person on whom the notice was served.

(2.) This section shall apply to any factory which is not subject to the provisions of the Factory and Workshop Act, 1878, and the Acts amending the same, and to any workplace, in like manner as it applies to a workshop.

Enactments
respecting bake-
houses.

26.—(1.) Sections thirty-four, thirty-five, and eighty-one of the Factory and Workshop Act, 1878, and sections fifteen and sixteen of the Factory and Workshop Act Amendment Act, 1883 (which relate to cleanliness, ventilation, and other sanitary conditions), shall, as respects every bakehouse which is a workshop, be enforced by the sanitary authority of the district in which the bakehouse is situate, and they shall be the local authority within the meaning of those sections.

(2.) For the purposes of this section the provisions of this Act with respect to the admission of the sanitary authority and their officers into any premises for any purpose in relation to nuisances^(a) shall apply in like manner as if they were herein re-enacted and in terms made applicable to this section; and every person refusing or failing to allow the sanitary authority or their officer to enter any premises in pursuance of those provisions for the purposes of this section shall be subject to a fine.

Notice to factory
inspector re-
specting child or
woman in work-
shop.

27. If any child, young person, or woman is employed in a workshop, and the medical officer of the sanitary authority becomes aware thereof, he shall forthwith give written notice thereof to the factory inspector for the district.

Sanitary con-
veniences for
manufactories.

38.—(1.) Every factory, workshop, and workplace, whether erected before or after the passing of this Act, shall be provided with sufficient and suitable accommodation in the way of sanitary conveniences, regard being had to the number of persons employed in or in attendance at such building, and also where persons of both sexes are, or are intended to be, employed, or in attendance, with proper separate accommodation for persons of each sex.

(2.) Where it appears to a sanitary authority that this section is not complied with in the case of any factory, workshop, or workplace, the sanitary authority shall, by notice served on the owner or occupier of such factory, workshop, or workplace, require him to make the alterations and additions necessary to secure such compliance, and if the person served with such notices fails to comply therewith he shall be liable to a fine not exceeding twenty pounds, and to a fine not exceeding forty shillings for every day after conviction during which the non-compliance continues.

(a) *i.e.*, s. 10.

(b) Compare 1895 s. 35.



ELEMENTARY EDUCATION ACT, 1876.

[39 & 40 VICT. CH. 79.]

5. A person^(a) shall not, after the commencement of this Act, take into his employment (except as herein-after in this Act mentioned)^(b) any child--

Certificate of
education of
child over 10.

(2.) Who, being of the age of ten^(c) years or upwards, has not obtained such certificate either of his proficiency in reading, writing, and elementary arithmetic, or of previous due attendance at a certified efficient school, as is in this Act on that behalf mentioned, unless such child, being of the age of ten^(c) years or upwards, is employed and is attending school in accordance with the provisions of the Factory Acts, or of any byelaw of the local authority (herein-after mentioned) made under section seventy-four of the Elementary Education Act, 1870, as amended by the Elementary Education Act, 1873, and this Act, and sanctioned by the Education Department.^(d)

6. Every person who takes a child into his employment in contravention of this Act shall be liable, on summary conviction, to a penalty not exceeding forty shillings.

Penalty for
employing a
child in contra-
vention of Act.

7. It shall be the duty of the inspectors and sub-inspectors acting under the Acts regulating factories, workshops, and mines respectively, and not of the local authority, to enforce the observance by the employers of children in such factories, workshops, and mines of the provisions of this Act respecting the employment of children; but it shall be the duty of the local authority to assist the said inspectors and sub-inspectors in the performance of their duty by information and otherwise.

Enforcement of
Act by inspectors
of factories or
mines.

(a) "Person" includes a parent who employs his child in any labour exercised by way of trade or for the purpose of gain (39 & 40 Vict. c. 79. s. 47).

(b) The exception referred to is the exemption which may be granted by the local authority for children employed in agriculture during six weeks in the year (39 & 40 Vict. c. 79. s. 9).

(c) Now eleven (56 & 57 Vict. c. 51. s. 1).

(d) It is necessary now for the child, if under 13, to have a certificate of proficiency under the byelaws (43 & 44 Vict. c. 23. s. 4; see also note (d) on 1878 s. 23).

ELEMENTARY EDUCATION ACT, 1880.

[43 & 44 VICT. CH. 23.]



Person employ-
ing, without
certificate, child
between 10 and
13 to be liable to
penalty.

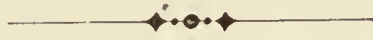
4. Every person who takes into his employment a child of the age of ten and under the age of thirteen years resident in a school district, before that child has obtained a certificate of having reached the standard of education fixed by a byelaw in force in the district for the total or partial exemption of children of the like age from the obligation to attend school, shall be deemed to take such child into his employment in contravention of the Elementary Education Act, 1876, and shall be liable to a penalty accordingly.^(a)

(a) See 39 & 40 Vict. c. 79. ss. 5, 6.



PREVENTION OF CRUELTY TO, AND PROTECTION OF, CHILDREN ACT, 1889.

[52 & 53 VICT. CH. 44.]



3. Any person who—

(a) * * *

(b) * * *

(c) causes or procures any child under the age of 10 years to be at any time in any street, or in any premises licensed for the sale of any intoxicating liquor, or in premises licensed according to law for public entertainments, or in any circus or other place of public amusement to which the public are admitted by payment, for the purpose of singing, playing, or performing for profit, or offering anything for sale,

shall, on conviction thereof by a court of summary jurisdiction in manner provided by the Summary Jurisdiction Acts, be liable, at the discretion of the court, to a fine not exceeding twenty-five pounds, or alternatively, or in default of payment of the said fine, or in addition thereto, to imprisonment, with or without hard labour, for any term not exceeding three months.

Provided that, in the case of any entertainment or series of entertainments to take place in premises licensed according to law for public entertainments, or in any circus or other place of public amusement as aforesaid, where it is shown to the satisfaction of a petty sessional court, or in Scotland the school board, that proper provision has been made to secure the health and kind treatment of any children proposed to be employed thereat, it shall be lawful for the said court or school board, anything in this Act notwithstanding, to grant a license for such time and during such hours of the day, and subject to such restrictions and conditions, as it may think fit, for any child exceeding seven years of age, of whose fitness to take part in such entertainment or series of entertainments without injury the said court or school board is satisfied, to take part in such entertainment or series of entertainments, and such license may at any time be varied, added to, or rescinded by the said court or school board upon sufficient cause being shown; and such license shall be sufficient protection to all persons acting under or in accordance with the same.

A Secretary of State may assign to any inspector appointed, or to be appointed, under section sixty-seven of the Factory and Workshop Act, 1878, specially and in addition to any other usual duties the duty of seeing whether the restrictions and conditions of any

Restrictions on
employment of
children.

license under this section are duly complied with, and any such inspector shall have the same power to enter, inspect, and examine any place of public entertainment at which the employment of a child is for the time being licensed under this section as an inspector has to enter, inspect, and examine a factory or workshop under section sixty-eight of the same Act.



COAL MINES REGULATION ACT, 1887.

[50 & 51 VICT. CH. 58.]



45. Where it appears to a Secretary of State that a formal investigation of any explosion or accident and of its causes and circumstances is expedient, the Secretary of State may direct such investigation to be held, and with respect to any such investigation the following provisions shall have effect:

Formal investigation when directed by Secretary of State.

- (1.) The Secretary of State may appoint a competent person to hold the investigation, and may appoint any person or persons possessing legal or special knowledge to act as assessor or assessors in holding the investigation.
- (2.) The person or persons so appointed (herein-after called the court) shall hold the investigation in open court, in such manner and under such conditions as the court may think most effectual for ascertaining the causes and circumstances of the explosion or accident and enabling the court to make the report in this section mentioned.
- (3.) The court shall have for the purpose of the investigation all the powers of a court of summary jurisdiction when acting as a court in hearing informations for offences against this Act, and all the powers of an inspector under this Act, and in addition the following powers; namely,
 - (a.) Power to enter and inspect any place or building the entry or inspection whereof appears to the court requisite for the said purpose:
 - (b.) Power, by summons signed by the court, to require the attendance of all such persons as it thinks fit to call before it and examine for the said purpose, and for that purpose to require answers or returns to such inquiries as it thinks fit to make:
 - (c.) Power to require the production of all books, papers, and documents which it considers important for the said purpose:
 - (d.) Power to administer an oath and require any person examined to make and sign a declaration of the truth of the statements made by him in his examination.
- (4.) Persons attending as witnesses before the court shall be allowed such expenses as would be allowed to witnesses attending before a court of record; and in case of dispute as to the amount to be allowed, the same shall be referred by the court to a master of one of Her Majesty's superior courts, who on request, signed by the court, shall ascertain and certify the proper amount of the expenses.

- (5.) The court holding an investigation under this section shall make a report to the Secretary of State, stating the causes of the explosion or accident and its circumstances, and adding any observations which the court thinks right to make.
- (6.) All expenses incurred in and about an investigation under this section (including the remuneration of any person appointed to act as assessor) shall be deemed to be part of the expenses of the Secretary of State in the execution of this Act.
- (7.) Any person who without reasonable excuse (proof whereof shall lie on him) either fails, after having had the expenses (if any) to which he is entitled tendered to him, to comply with any summons or requisition of a court holding an investigation under this section, or prevents or impedes the court in the execution of its duty shall for every such offence be liable to a fine not exceeding 10*l.*, and in the case of a failure to comply with a requisition for making any return or producing any document shall be liable to a fine not exceeding 10*l.* for every day that such failure continues.

Publication of
reports.

46. The Secretary of State may cause any special report of an inspector or any report of a court under this part of this Act to be made public at such time and in such manner as he may think fit.



APPENDIX
OF
SPECIAL RULES
FOR
DANGEROUS EMPLOYMENTS.

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APPENDIX OF SPECIAL RULES FOR DANGEROUS EMPLOYMENTS.

WHITE LEAD WORKS.

DUTIES OF OCCUPIERS.

1. They shall provide respirators, overall suits and head coverings, to be worn by the persons employed in the departments enumerated below, under "Duties of Persons Employed."

2. They shall take care that every stack is fitted with a standpipe or movable hose, and an adequate supply of water, distributed by a very fine rose or watering can, for damping the white-bed before stripping.

3. They shall see that no female shall be employed without a certificate of fitness from a medical man, to be obtained within one week from the date of employment.

4. They shall see that no person shall be re-employed after absence through illness without a certificate from a medical man.

5. They shall provide overalls for females in all blue beds where the returns are used without being remelted, and overalls and head coverings for females in all other parts of the works except the casting shops.

6. That the wearing of shoes and stockings be optional, but that no females shall be permitted to wear the same shoes and stockings in the works as they wear in going to and from the place of employment.

7. They shall provide sufficient bath accommodation for all men and women employed.

8. They shall provide dressing-rooms, a dining-room, lavatories, and a cloak-room in which the ordinary clothes of all workers are to be kept apart from their working clothes.

9. They shall arrange for a weekly visit by a doctor, who shall examine every worker individually, and who shall enter the result of each examination in the proper register.

10. They shall cause such a register to be kept, and shall have entered in it the date when each worker commences and leaves employment and the date when each worker takes a bath.

11. They shall cause every case of illness from lead-poisoning to be reported both to Her Majesty's inspector of factories for the district, and to the certifying surgeon.

12. They shall cause each man or woman to take a bath at least once a week, and to wash in the lavatory before bathing.

13. They shall deliver to the persons employed the articles of clothing which are required to be worn, and they shall see that they are put on. At the end of every day's work they shall collect and have thoroughly washed all those which have been used in the stoves, and those which have been used in other departments, once a week.

14. They shall see that the general lavatory is thoroughly cleansed and supplied with clean towels after every meal.

15. They shall have the dressing-rooms, baths, and w.c.'s brushed and cleansed daily.

16. They shall not allow the workers to leave any clothes in the dining-room, or their ordinary clothes in any workroom.

17. They shall see that the supply of hot and cold water, soap, brushes, and towels is sufficient in the bath-room and lavatories.

18. They shall see that there are kept in close proximity to the workers in each department washing conveniences and a sufficient supply of approved sanitary drink, and they shall cause the people to take it.

19. They shall set apart, and cause to be entered in a notice affixed in each department, a period of at least 10 minutes, in addition to the regular meal times, for washing immediately before each meal time, and also before the end of the day's work; and they shall see that it is observed.

20. They shall see that at the doctor's weekly visit the proper entries are on each occasion made in the register.

21. Upon any person complaining of being unwell, they shall with the least possible delay give an order upon the doctor; and upon any person desiring medicine, they shall give a dose of the prescribed medicine kept at the works.

22. Managers, &c. shall report immediately to the firm any instance which comes under their notice of any worker neglecting the regulations herein-after mentioned.

23. They shall examine all persons going out of the works, and shall not allow them to leave unless they are properly cleansed from lead.

DUTIES OF PERSONS EMPLOYED.

24. Each man or woman before commencing work in any of the following departments shall wear as follows, having received the same from the person in charge :—

Blue beds :

Every woman to wear an overall suit in all blue beds where the returns are used without being remelted.

White-bed :

One overall suit and head covering. Women inside the white-beds to wear respirators also, but the "Carriers" not.

Washing and crushing :

One overall suit and head covering. " Roller " women to wear respirators also.

Grinding :

One overall suit and head covering.

Setting stoves :

One overall suit and head covering.

Drawing stoves :

One overall suit, head covering, and respirator.

Paint mixing :

One overall suit and respirator.

25. Each man or woman working at any white-bed, or in setting or drawing stoves, or in the washing and crushing, grinding, or paint mixing departments, before going to breakfast, dinner or home, or before entering the dining-room for any purpose whatever, must—

Put off the overall suit, &c., and give the same to the person in charge, or leave it in the clothes room.

Brush every particle of lead dust from his or her clothes.

Thoroughly wash face and hands in the lavatory, and be particular that no dust remain underneath the finger nails.

If not wearing stockings and boots, thoroughly wash the feet.

26. Each man or woman must bathe at least once a week, and must wash in the lavatory before bathing.

27. Each man or woman must receive and drink, at such times as may be stated in a notice affixed in the factory, such sanitary drinks as may be prescribed in such notice.

28. Every white-bed must be adequately watered on removal of the boards, and all trays of corrosions shall be well saturated with water before passing through the rollers.

29. No person shall smoke or use tobacco in any workplace, or room, or take food in any part of the works, except in the dining-room.

30. No person may seek employment under an assumed name, or under any false pretence.

Respirators :

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested :

Sulphate of magnesia, 2 oz.

Water, 1 gallon.

Essence of lemon, sufficient to flavour.

Prescribed medicine.

The following Departments to be specially Ventilated.

(1.) Washing and crushing.

(3.) Paint (grinding in oil).

(2.) Grinding in water.

(4.) Drawing stoves.

RED AND ORANGE LEAD WORKS.**DUTIES OF OCCUPIERS.**

In drawing charges of massicot, or of red lead, or of orange lead, from the furnace they shall not allow the charges of massicot, or of red lead, or of orange lead, to be discharged on to the floor of the factory or workshop, but shall arrange that it be shovelled, not raked, into waggon.

They shall arrange that no red or orange lead shall be packed in the room or rooms where the manufacture is actually carried on.

They shall arrange that no red or orange lead shall be packed in casks or other receptacles except in a place provided with a hood connected with a fan, or shall provide other suitable means to create an effective draught.

They shall provide sufficient bath accommodation for all persons employed in the manipulation of red and orange lead, and lavatories, with a good supply of hot water, soap, nail brushes, and towels for the use of such persons.

They shall arrange for a monthly visit by a medical man who shall examine every worker individually, and who shall enter the result of each examination in a register book to be provided by the said occupiers.

They shall provide a sufficient supply of approved sanitary drink for the workers.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“ If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

YELLOW LEAD WORKS.**DUTIES OF OCCUPIERS.**

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom Salts and of an approved sanitary drink.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

Respirators:

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested:

Sulphate of magnesia, 2 oz.

Water, 1 gallon.

Essence of lemon sufficient to flavour.

LEAD SMELTING WORKS.

DUTIES OF OCCUPIERS.

They shall provide respirators and overall suits for the use of all persons employed in cleaning the flues, and take means to see that the same are used.

They shall arrange that no person be allowed to remain at work more than two hours at a time in a flue. (A rest of half an hour before re-entering will be deemed sufficient.)

They shall provide sufficient bath accommodation for all persons employed in cleaning the flues and every one so employed shall take a bath before leaving the works.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes and towels.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

MANUFACTURE OF PAINTS, COLOURS, AND EXTRACTION OF ARSENIC.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels, and take measures to secure that every worker wash face and hands before meals, and before leaving the works; and, in addition to the above, sufficient bath accommodation for the use of all persons employed in the manufacture of Milan red, vermilionette, or Persian red.

They shall provide suitable respirators and overall suits, kept in a cleanly state, for all workers engaged in any department where dry white lead or arsenic is used in either the manufacture of paint mixing, and overall suits for those engaged in grinding in water or oil, and for all workers in Milan red, vermilionette, or Persian red, wherever dust is generated.

They shall provide a sufficient supply of approved sanitary drink, which shall be accessible to the workers at all times, and shall cause such approved sanitary drink to be taken daily by workers in any department where white lead or arsenic is used in the manufacture, and shall provide a supply of aperient medicine, which shall be given to the workers, when required, free of charge.

No food shall be eaten in any part of the works where white lead or arsenic is used in the manufacture.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which white lead or arsenic is used in the manufacture.

No person shall smoke or use tobacco in any part of the works in which white lead or arsenic is used in the manufacture.

ENAMELLING OF IRON PLATES

(by the aid of Lead, Arsenic, or Antimony).

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels, and take measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall provide suitable respirators, overall suits, and head coverings for all workers employed in the processes of grinding, dusting, and brushing.

They shall adopt measures on and after the 1st day of October 1894 in the dusting and brushing processes for the removal of all superfluous dust, by the use of perforated benches or tables supplied with fans to carry the dust down through the apertures of such benches or tables, the under part of which must be boxed in.

They shall provide a sufficient supply of approved sanitary drink, and shall cause the workpeople to take it.

They shall arrange for a medical inspection of all persons employed, at least once a month.

They shall see that no female is employed without previous examination and a certificate of fitness from the medical attendant of the works.

They shall see that no person who has been absent from work through illness shall be re-employed without a medical certificate to the effect that he or she has recovered.

Upon any person employed in the works complaining of being unwell, the occupier shall, with the least possible delay, and at his own expense, give an order upon a doctor for professional attendance and medicine. It is to be understood that this rule will not apply to persons suffering from complaints which have not been contracted in the process of manufacture.

They shall provide a place or places free from dust and damp in which the operatives can hang up the clothes in which they do not work.

(It is recommended that they shall provide for each female before the day's work begins some light refreshment, such as a half-pint of milk and a biscuit.)

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall and head covering shall wear the same when at the work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten by any person in any part of the works except in the apartment specially provided for the purpose.

No person may seek employment under an assumed name or under any false pretence.

Respirators :

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink suggested :

Sulphate of magnesia, 2 oz.

Water, 1 gallon.

Essence of lemon, sufficient to flavour.

LUCIFER MATCH FACTORIES

(where White or Yellow Phosphorus is used).

DUTIES OF OCCUPIERS.

1. After the 31st day of December 1893 it shall not be lawful to carry on a lucifer match factory, where white or yellow phosphorus is used, unless such factory is certified by an inspector to be in conformity with the following special rules.

2. They shall provide for the processes of mixing, dipping, and drying an apartment or apartments separate from other portions of the factory.

3. They shall take effectual means to prevent the fumes from the before-mentioned processes and from the boxing department being allowed to enter the rest of the factory.

4. They shall provide efficient means, both natural and mechanical, for thorough ventilation in the mixing, dipping, drying, and boxing departments.

5. They shall provide washing conveniences, fitted with a sufficient supply of hot and cold water, soap, nail brushes, and towels, and shall take measures to secure that every worker wash his or her hands and face before meals, and before leaving the works. Managers and overlookers shall report immediately to the occupier any instance which comes under their notice where this regulation has been neglected.

6. Any person employed in the works complaining of toothache, or of swelling of the jaw, shall at once be examined by a medical man at the expense of the occupier; and if any symptoms of necrosis are present the case shall be immediately reported to one of Her Majesty's inspectors of factories for the district.

7. No person having suffered from necrosis shall be permitted to resume work in a lucifer match factory until a certificate of fitness has been obtained from a qualified medical practitioner.

8. No person shall be permitted to work in the processes of mixing, dipping, drying, or boxing after the extraction of a tooth, without the certificate of a duly qualified medical practitioner that the jaw is healed.

AS TO PERSONS EMPLOYED.

9. Every person employed in the mixing, dipping, drying, or boxing departments shall carefully wash his or her hands and face before meals and before leaving the works.

10. In all cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with

the Factory and Workshops Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

MANUFACTURE OF EARTHENWARE AND CHINA.

DUTIES OF OCCUPIERS.

1. They shall provide suitable overalls and head coverings for all female workers employed in the dipping house or dippers' drying-room, or in any processes of ware cleaning after the dipper, glost placing, china scouring, ground laying or majolica painting (which overalls and head coverings shall remain the property of the employers) and shall make arrangements for the safe custody of all overalls and head coverings worn by their operatives and for the safe delivery thereof at the works every seven days to the representatives of the laundry or wash-house which shall be selected by the operatives for the purpose of washing the same. They shall also provide a place in which the above workers can deposit clothing put off during working hours.

2. They shall not allow any persons to cook or partake of any food, or to remain during meal times in the dipping-house, dippers' drying-room, china-scouring room, glost placers' shop, ground-laying shop, or majolica-painting room.

3. In the process of towing of earthenware, they shall use fans or other mechanical means for the removal of all dust; in the process of scouring china, they shall, as far as practicable, use mechanical or other efficient means for the removal of flint; and, in all processes and descriptions of manual labour, they shall, as far as practicable, adopt measures for the removal of dust, and for the prevention of any injurious effects arising therefrom, either by the use of mechanical fans, ventilation, or other efficient means.

4. They shall provide brooms, brushes, and all other necessities for the daily sweeping of floors of workshops and of such stoves as are entered by the workers; and for the cleansing of work-benches and of stairs leading to workshops; and shall arrange that the floors of such workshops and stoves are sprinkled and swept every working day, and the scraps and dirt removed, and that work-benches and stairs are cleansed at least once a week. The daily sweeping of floors of potters' shops shall be done after work has ceased for the day, unless there is some sufficient reason to the contrary.

5. They shall provide washing conveniences and a sufficient supply of water, soap, and nail brushes for all workers employed in

the dipping-house or dippers' drying-room, or in any processes of ware-cleaning after the dipper, glost placing, china scouring, ground laying, or majolica painting as close as is practicable to the workshops.

6. All stoves, as well as all workshops and all parts of the factories, shall be effectually ventilated. Regard being had to the cubic capacity of the shops, &c., there shall be, wherever practicable, natural ventilation by doors and windows; and careful supervision of hot air and hot water pipes used for heating, and of the consumption of gas. The required ventilation shall be accomplished by mechanical or other efficient means. The temperature of any workshop during working hours shall not be allowed to exceed 90 degrees (Fahrenheit).

DUTIES OF PERSONS EMPLOYED.

7. Every person employed in the places and processes enumerated in Rule 1 shall wear an overall suit or head covering when at their work and no such person shall remove such overall suit or head covering from the works at which they are employed so long as they shall continue in such employ.

8. Every person employed in the places or processes enumerated in Rule 5 shall carefully clean and wash his or her hands and face before meals and before leaving the works.

9. Every person employed in dipping, carrying ware from the dipper, cleaning ware after it has been dipped, glost placing, china scouring, ground-laying or majolica painting, shall, during the meal times leave the shops in which those processes are carried on, and shall not cook or eat any food therein at any time.

10. The measures taken by the employers for the ventilation of the various workrooms and stoves, and for the removal of dust, shall not be in any way interfered with by the workpeople without the knowledge and concurrence of the employer or manager of the works.

11. Every male or female worker shall be responsible for the cleansing of that portion of the room in which he or she is employed, and shall see that the floors of shops and of such stoves as are entered by the workers, are sprinkled and swept, and the dust, scraps, ashes, and dirt be removed every day, and that the workbenches and stairs are cleansed at least once a week. The sweeping of floors and of potters' shops shall be done after the working hours, unless there is some sufficient reason to the contrary, by an adult male, employed and paid by the workers and approved by the employer.

MANUFACTURE OF EXPLOSIVES

(in which di-nitro-benzole is used).

1. No person to be employed without a medical certificate, stating that he or she is physically fit for such employment.

2. An examination of the workers at their work to be made at least once a fortnight by a certifying surgeon, who shall have power to order temporary suspension or total change of work for any person showing symptoms of suffering from the poison, or if after a fair trial he is of opinion that any person is by constitution unfit, he shall direct that such person shall cease to be employed.

3. A supply of fresh milk, and of any drug that the medical officer may consider desirable, shall be kept where the workers in his opinion may require it.

4. No meals to be taken in the workrooms.

5. There shall be provided separate lavatories for men and women, with a good supply of hot water, soap, nail brushes, and towels, and whenever the skin has come in contact with di-nitro-benzole, the part shall be immediately washed.

6. Overall suits and head coverings shall be supplied to all workers in shops where di-nitro-benzole is used, these suits to be taken off or well brushed before meals and before leaving the works, and to be washed at least once a week.

7. Suitable respirators (capable of being washed), folds of linen, or woollen material of open texture, or other suitable material, shall be supplied to those workers liable to inhale dust, and the wearing of such respirators shall be urged where the workers derive benefit from their use.

8. Where di-nitro-benzole has to be handled, the hands shall always be protected from direct contact with it, either by the use of india-rubber gloves (kept perfectly clean, especially in the inner side), or by means of rags which shall be destroyed immediately after use.

9. Where di-nitro-benzole is broken by hand, the instrument used shall be a wooden bar, spade, or tool with a handle long enough to prevent the worker's face from coming into near contact with the material.

10. In all rooms or sheds in which the process, either of purifying, grinding, mixing materials of which di-nitro-benzole forms a part, is carried on, efficient "cowls," ventilating shafts, and mechanical ventilating fans shall be provided to carry off the dust or fumes generated.

11. Drying stoves shall be efficiently ventilated, and, when possible, be charged and drawn at fixed times, and a free current of

air shall be admitted for some time prior to the workers entering to draw either a part or the whole of the contents.

12. In the process of filling cartridges, the material shall not be touched by hand, but suitable scoops shall be used, and where patent ventilated cartridge filling machines are not used, there shall be efficient mechanical ventilation arranged in such a manner, that the suction shall draw the fumes or dust away from and not across or over the faces of the workers.

13. A register, in a prescribed form, shall be kept, and it shall be the duty of a responsible person named by the firm to enter, at least once a week, a statement that he has personally satisfied himself that each and all of the special rules have been observed, or if not, the reasons for such non-observance. The surgeon to enter in this register the dates of his visits, the results of such visits, and any requirement made by him.

14. The "dipping" rooms to be efficiently ventilated.

CHEMICAL WORKS.

1. In future every uncovered pot, pan, or other structure containing liquid of a dangerous character, shall be so constructed as to be at least 3 feet in height above the ground or platform. Those already in existence which are less than 3 feet in height, or in cases where it is proved to the satisfaction of an inspector that a height of 3 feet is impracticable, shall be securely fenced.

2. There shall be a clear space round such pots, pans, or other structures, or where any junction exists a barrier shall be so placed as to prevent passage.

3. Caustic pots shall be of such construction that there shall be no footing on the top or sides of the brickwork, and dome-shaped lids shall be used where possible.

4. No unfenced planks or gangways shall be placed across open pots, pans, or other structures containing liquid of a dangerous character. This rule shall not apply to black ash vats where the vats themselves are otherwise securely fenced.

5. Suitable respirators shall be provided for the use of the workers in places where poisonous gases or injurious dust may be inhaled.

6. The lighting of all dangerous places shall be made thoroughly efficient.

7. Every place where caustic soda or caustic potash is manufactured shall be supplied with syringes or wash bottles, which shall be enclosed in covered boxes fixed in convenient places, in the proportion of one to every four caustic pots. They shall be of suitable form and size, and be kept full of clean water. Similar appliances shall

be provided wherever, in the opinion of an inspector, they may be desirable.

8. Overalls, kept in a cleanly state, shall be provided for all workers in any room where chlorate of potash or other chlorate is ground. In every such room a bath shall be kept ready for immediate use.

In every chlorate mill, tallow or other suitable lubricant shall be used instead of oil.

9. Respirators charged with moist oxide of iron or other suitable substance, shall be kept in accessible places ready for use in cases of emergency arising from sulphuretted hydrogen or other poisonous gases.

10. In salt cake departments suitable measures shall be adopted by maintaining a proper draught, and by other means to obviate the escape of low-level gases.

11. Weldon bleaching powder chambers, after the free gas has, as far as may be practicable, been drawn off or absorbed by fresh lime, shall, before being opened, be tested by the standard recognised under the Alkali Act. Such tests shall be duly entered in a register kept for the purpose.

All chambers shall be ventilated, as far as possible, when packing is being carried on, by means of open doors on opposite sides and openings in the roof so as to allow of a free current of air.

12. In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

BICHROMATE WORKS.

1. In future every uncovered pot, pan, or other structure containing liquid of a dangerous character, shall be so constructed as to be at least 3 feet in height above the ground or platform. Those already in existence, which are less than 3 feet in height, or in cases where it is proved to the satisfaction of an inspector that a height of 3 feet is impracticable, shall be securely fenced. In the case of gangways not exceeding 27 inches in width, which are hung down from the lip or edge of vessels, where it is impracticable, owing to the nature of the operation to lower these to 3 feet, the depth of 20 inches will be considered sufficient.

2. There shall be a clear space round such pots, pans, or other structures, or where any junction exists a barrier shall be so placed as to prevent passage.

3. No unfenced planks or gangways shall be placed across pots, pans, or other structures containing liquid of a dangerous character.

4. Respirators suitable for protection of nostrils and mouth shall be provided where injurious dust or noxious fumes may be inhaled.

5. The lighting of all dangerous places shall be made thoroughly efficient.

6. Inasmuch as dust is the principal cause of the various evil results to workers in chromium compounds, all due means shall be taken to limit in every way the formation of dust.

7. Gloves or finger stalls of some waterproof material shall be provided for the use of females engaged in sorting the crystals.

8. Sufficient lavatory accommodation, with hot and cold water, soap, nail brushes, and towels shall be provided.

9. In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“ If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

TINNING AND ENAMELLING OF IRON HOLLOW WARE *(with the aid of Lead or Arsenic).*

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable in accordance with the

Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

ELECTRIC ACCUMULATOR WORKS.

DUTIES OF OCCUPIERS.

They shall provide a bath and lavatory accommodation, with a plentiful supply of hot and cold water, soap, nail brushes, and towels.

They shall provide respirators and overall suits for all persons employed in the operation of mixing.

They shall provide gloves and aprons for all persons employed in the occupation of rubbing.

They shall see that the gloves are constantly inspected and renewed when defective.

DUTIES OF PERSONS EMPLOYED.

In cases where the co-operation of the workers is required for carrying out the foregoing rules, and where such co-operation is not given, the workers shall be held liable, in accordance with the Factory and Workshop Act, 1891, section 9, which runs as follows:—

“If any person who is bound to observe any special rules established for any factory or workshop under this Act, acts in contravention of, or fails to comply with, any such special rule, he shall be liable on summary conviction to a fine not exceeding two pounds.”

Respirators:

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

SPINNING AND WEAVING OF FLAX.

WEAVING SHEDS

(in which artificial humidity is produced).

Ventilation.

An efficient 14-inch extracting fan shall be provided for every 2,500 square feet of floor surface, such ventilation to be arranged

to the satisfaction of the inspector of factories and to be kept in operation during working hours.

Humidity.

In every weaving factory where artificial humidity is produced, there shall be provided, maintained, and kept in correct working order two sets of standardised wet and dry bulb thermometers. A difference of at least two degrees shall be kept during working hours between the wet and dry bulbs (*e.g.*, dry bulb 75, wet bulb 73).

(1.) One set of thermometers is to be fixed in the centre and one at the side of the factory, or in such other position as may be directed or sanctioned by an inspector of factories, so as to be plainly visible to the operatives.

(2.) The occupier or manager, or person for the time being in charge of each factory, shall read the thermometers twice in the day, viz., between ten o'clock and eleven o'clock in the forenoon, and between three o'clock and four o'clock in the afternoon, on every day that any operatives are employed in the factory, and shall record the readings of each thermometer at each of such times on a form provided for the purpose for each set of thermometers, in the form and in accordance with the regulations contained in Schedule B. of the Cotton Cloth Factories Act, 1889, and the readings indicated at any time by the said thermometers shall be taken to represent the actual humidity of the room at such time.

(3.) The form in which the readings of each thermometer provided for in subsection (ii.) of this section are to be recorded shall be kept hung up near the thermometers; and after being duly filled up, shall be forwarded at the end of each month to the inspector of the district, and a copy shall be kept at the factory for reference.

WET SPINNING ROOMS.

Spinning frames shall be provided with splashboards wherever the distance of the axis of the spindles on a frame from the axis of the spindles on the adjoining frame is not less than 4 feet and 6 inches, subject to the discretion of the inspector.

Where splashboards cannot be provided from the above distance being less than 4 feet 6 inches, waterproof overalls or aprons shall be provided by the occupier for all the workers, such overalls or aprons to be sufficient to cover the chest in the case of children and young persons.

The lids of the troughs shall be kept in perfect repair to check escape of steam.

The same rules shall be adopted with respect to humidity as are required in the weaving sheds.

WET SPINNING ROOMS AND WEAVING FACTORIES.

Whenever steam is injected into any room, the pipes conveying the same shall be jacketed with non-conducting composition to the satisfaction of the inspector of factories.

ROUGHING AND SORTING AND HAND HACKLING ROOMS.

Exhaust fans shall be provided so as to draw the dust forward and down from the face of the worker, unless some other arrangement shall be found equally effective, to the satisfaction of the factory inspector.

Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

MACHINE HACKLING ROOMS.

Preparation and Card Rooms.

Exhaust fans shall be provided on the side of the room where the machines are, and inlets provided from 6 to 7 feet from the ground on the opposite side, unless some other arrangements of such fans shall be found equally effective.

Respirators shall be provided for the use of the workers, if children or young persons, and be worn by them at work.

DRESSING ROOMS.

Dressing rooms must be ventilated so as to render harmless any gas, vapour, or other impurities.

TINNING AND ENAMELLING OF METAL HOLLOW WARE AND COOKING UTENSILS

(with the aid of Lead or Arsenic).

DUTIES OF OCCUPIERS.

They shall provide washing conveniences with a sufficient supply of hot and cold water, soap, nail brushes, and towels; and take measures to secure that every worker wash face and hands before meals and before leaving the works.

They shall see that no food is eaten in any room where the process of tinning or enamelling is carried on.

DUTIES OF PERSONS EMPLOYED.

Every worker shall wash face and hands before meals and before leaving the works.

No worker shall eat food in any room where the process of tinning or enamelling is carried on.

WORKS IN WHICH YELLOW CHROMATE OF LEAD IS USED
Or in which goods dyed with it undergo the processes of bundling or noddling, winding, reeling, weaving, or any other treatment.

DUTIES OF OCCUPIERS.

They shall provide washing conveniences, with a sufficient supply of hot and cold water, soap, nail brushes, and towels.

They shall provide respirators and overall suits for the persons employed in all dry processes.

They shall provide fans or other suitable means of ventilation wherever dust is generated in the process of manufacture.

They shall provide a sufficient supply of Epsom salts and of the sanitary drink mentioned below or some other approved by Her Majesty's inspector of factories.

Respirators :

A good respirator is a cambric bag with or without a thin flexible wire made to fit over the nose.

Sanitary drink :

Sulphate of magnesia, 2 oz.

Water, 1 gallon.

Essence of lemon, sufficient to flavour.

DUTIES OF PERSONS EMPLOYED.

Every person to whom is supplied a respirator or overall suit shall wear the same when at the special work for which such are provided.

Every person shall carefully clean and wash hands and face before meals and before leaving the works.

No food shall be eaten in any part of the works in which yellow chromate of lead is used in the manufacture.



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